## CITY OF SANTA BARBARA CITY COUNCIL

Helene Schneider
Mayor
Bendy White
Mayor Pro Tempore
Grant House
Ordinance Committee Chair
Dale Francisco
Finance Committee Chair
Frank Hotchkiss
Randy Rowse
Michael Self



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

City Hall 735 Anacapa Street http://www.SantaBarbaraCA.gov

#### MAY 24, 2011 AGENDA

**ORDER OF BUSINESS:** Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

**REPORTS:** Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <a href="http://www.SantaBarbaraCA.gov">http://www.SantaBarbaraCA.gov</a>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<a href="http://www.SantaBarbaraCA.gov">http://www.SantaBarbaraCA.gov</a>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

**PUBLIC COMMENT:** At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

**REQUEST TO SPEAK:** A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

**CONSENT CALENDAR:** The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

**TELEVISION COVERAGE:** Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

#### ORDER OF BUSINESS

12:30 p.m. - Finance Committee Meeting, David Gebhard Public

Meeting Room, 630 Garden Street

2:00 p.m. - City Council Meeting Begins

5:00 p.m. - Recess

6:00 p.m. - City Council Meeting Reconvenes6:00 p.m. - Interviews for City Advisory Groups

## FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: Finance Committee Review Of The Proposed Two-Year Financial Plan For Fiscal Years 2012 And 2013 (120.03)

Recommendation: That the Finance Committee receive, and forward to City Council for approval, adjustments to the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013, which are the result of new information and/or changed circumstances since the filing of the proposed plan on April 19, 2011.

# REGULAR CITY COUNCIL MEETING – 2:00 P.M. AFTERNOON SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

**ROLL CALL** 

**CHANGES TO THE AGENDA** 

**PUBLIC COMMENT** 

#### CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of May 3, and the special meeting of May 5, 2011.

2. Subject: Adoption Of Ordinance Amending Plumbing Code (640.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.04.030 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code Concerning Local Amendments to the California Plumbing Code.

3. Subject: Approval Of Final Map And Execution Of Agreements For 101 West Canon Perdido Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,792 (Map) and other standard agreements relating to the approved subdivision at 101 West Canon Perdido Street, and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

#### **CONSENT CALENDAR (CONT'D)**

## 4. Subject: Contract For Scanning Support Services For The El Estero Scanning And Document Management Project (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Contract with MNS Engineers, Inc., in the amount of \$55,350 for scanning support services for the El Estero Wastewater Treatment Plant Scanning and Document Management Project, and authorize the Public Works Director to approve expenditures of up to \$5,535 for extra services that may result from necessary changes in the scope of work.

## 5. Subject: Contract For Design For The Las Canoas Water Main Replacement (540.06)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Contract with O'Brien & Wall (Wall) in the amount of \$99,528 for design services for the Las Canoas Water Main Replacement Project (Project), and authorize the Public Works Director to approve expenditures of up to \$9,950 for extra services of Wall that may result from necessary changes in the scope of work.

#### 6. Subject: Amend Airline Terminal Public Arts Program Agreements (560.04)

Recommendation: That Council:

- A. Approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, an amendment to Agreement No. 23,496 between the City and Vidya Gauci for design and installation of decorative stenciling associated with the Airline Terminal Project to increase the contract amount by \$2,994 for a total not-to-exceed amount of \$14,994; and
- B. Approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, an amendment to Agreement No. 23,168 between the City and the Santa Barbara County Arts Commission for the long-term loan of the "Fiesta" Mural by artist Channing Peake to increase the reimbursement amount by \$2,000 for a total not-to-exceed amount of \$10,000.

#### 7. Subject: April 2011 Investment Report (260.02)

Recommendation: That Council accept the April 2011 Investment Report.

#### **CONSENT CALENDAR (CONT'D)**

8. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2012 For The Wildland Fire Suppression Assessment (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Continue Assessments for Fiscal Year 2012; Establishing a Time of 2:00 P.M. on Tuesday, June 7, 2011, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment; and Rescinding Resolution No. 11-025.

9. Subject: Adoption Of Medical Marijuana Dispensary Ordinance -Amendment For Dispensaries Permitted Under The March 2008 Dispensary Ordinance (520.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code to Establish Revised Regulations for Those Storefront Medical Marijuana Dispensaries Permitted Under City Ordinance No. 5449 as Adopted on March 25, 2008.

#### **NOTICES**

- 10. The City Clerk has on Thursday, May 19, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 11. The public hearing scheduled for May 24, 2011, at 2:00 p.m. regarding the Wildland Fire Suppression Assessment District has been postponed to June 7, 2011, at 2:00 p.m. (See Agenda Item No. 8)
- 12. Cancellation of the special City Council meeting of May 26, 2011, at 1:30 p.m. for consideration of Recommended Operating and Capital Budget for Fiscal Year 2012-2013, and the regular City Council meeting of May 31, 2011.

This concludes the Consent Calendar.

#### REPORT FROM THE FINANCE COMMITTEE

#### CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

#### COMMUNITY DEVELOPMENT DEPARTMENT

#### 13. **Subject: Sign Ordinance Revisions (640.02)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020 and 22.70.030 of the Santa Barbara Municipal Code Relating to Sign Regulations.

#### PARKS AND RECREATION DEPARTMENT

#### 14. **Subject: Interview And Appointment Of Youth Intern Applicant To Creeks Advisory Committee (140.05)**

Recommendation: That Council:

- Interview applicant Annie Marroquin for the position of Youth Intern on the Α. Creeks Advisory Committee; and
- B. Appoint Annie Marroquin to the position of Youth Intern on the Creeks Advisory Committee.

#### COUNCIL AND STAFF COMMUNICATIONS

#### COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

#### **CLOSED SESSIONS**

#### 15. **Subject: Conference With Real Property Negotiators - 500 Ninos Drive** (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 to provide direction to the City Administrator and to the City Attorney regarding the possible City disposition of the real property known as 500 Ninos Drive. Property: Santa Barbara Zoo - 500 Ninos Drive. City Negotiators: Nancy Rapp, Parks and Recreation Director; Paul Casey, Assistant City Administrator; Scott Vincent, Assistant City Attorney. Negotiating Party: Santa Barbara Zoological Foundation - Rich Block, Zoo CEO; Glenn Miller, Foundation Boardmember; and Greg Faulkner, Foundation Boardmember. Under Negotiation: Terms of Lease.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

#### CLOSED SESSIONS (CONT'D)

## 16. Subject: Conference With Real Property Negotiators - 423 W. Victoria Street (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 to provide direction to the City Administrator and to the City Attorney regarding the possible City disposition of the real property known as 423 W. Victoria Street. Property: Westside Community Center - 423 W. Victoria Street (Youth CineMedia). City Negotiators: Nancy Rapp, Parks and Recreation Director; Scott Vincent, Assistant City Attorney. Negotiating Party: Youth CineMedia - Osiris Castaneda, Co-Director; Regina Ruiz, Co-Director.

Under Negotiation: Rent and terms of lease.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

#### 17. Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

#### 18. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General and Supervisory bargaining units and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

#### **RECESS**

#### **EVENING SESSION**

#### **RECONVENE**

**ROLL CALL** 

#### **PUBLIC COMMENT**

#### **MAYOR AND COUNCIL REPORTS**

19. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 7, and June 14, 2011.

#### **ADJOURNMENT**

#### CITY OF SANTA BARBARA

#### **FINANCE COMMITTEE**

#### MEETING AGENDA

DATE: May 24, 2011 Dale Francisco, Chair

TIME: 12:30 P.M. Michael Self PLACE: David Gebhard Public Meeting Room Bendy White

630 Garden Street

James L. Armstrong Robert Samario
City Administrator Finance Director

#### **ITEM TO BE CONSIDERED:**

Subject: Finance Committee Review Of The Proposed Two-Year Financial Plan For Fiscal Years 2012 And 2013

Recommendation: That the Finance Committee receive, and forward to City Council for approval, adjustments to the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013, which are the result of new information and/or changed circumstances since the filing of the proposed plan on April 19, 2011.

File Code No. 120.03



#### **CITY OF SANTA BARBARA**

#### FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 24, 2011

**TO:** Finance Committee

**FROM:** Administration Division, Finance Department

**SUBJECT:** Finance Committee Review Of The Proposed Two-Year Financial

Plan For Fiscal Years 2012 And 2013

#### **RECOMMENDATION:**

That the Finance Committee receive, and forward to City Council for approval, adjustments to the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013, which are the result of new information and/or changed circumstances since the filing of the proposed plan on April 19, 2011.

#### **DISCUSSION:**

Since the filing of the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013 on April 19, 2011, staff has identified the need for changes to the proposed plan stemming from a number of factors. In general, the changes stem from new information received, the need to correct or refine estimates, or changes in circumstances that give rise to the need to adjust the proposed plan. This is not unusual; in fact, each year staff brings a number of proposed adjustments to the Finance Committee and then Council for approval. The recommended adjustments are listed in the attached Schedule of Proposed Adjustments.

**ATTACHMENT:** Schedule of Proposed Adjustments to the Proposed Two-Year

Financial Plan for Fiscal Years 2012 and 2013

**PREPARED BY:** Michael Pease, Budget Manager

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office

#### **CITY OF SANTA BARBARA**

## Schedule of Proposed Adjustments Two-Year Financial Plan for Fiscal Years 2012 and 2013

1 WO-1 ear 1 mandar 1 am 101 1 13ca	1 1 6 6 1 5 2 0 1 2	L and ZUIS	Addition to/
	Estimated		(Use of)
	Revenue	Appropriations	Reserves
GENERAL FUND	110101140	Арргорпалопо	TROSCI VOS
City Administrator's Office  Additional Revenue for Taping of SB City College Meetings  Hourly Salaries for Taping of SB City College Meetings	\$ 6,500	\$ - 6,500	
Fire Department Shift Police share of Mobile Data Computer (MDC) Replacement Allocation to Police Department	\$ -	\$ (53,032)	
Non-Departmental Increase Appropriated Reserves to Rebalance General Fund	\$ -	\$ 43,232	
Police Department Increase Redevelopment Funding for Restorative Policing Efforts Shift Police share of MDC Replacement Allocation from Fire Dept.	\$ 217,070 -	\$ 217,070 53,032	
Public Works Department Shift 20% of Assistant Public Works Director to Streets Fund	\$ -	\$ (43,232)	
General Fund Total	\$ 223,570	\$ 223,570	<u>\$</u>
COUNTY LIBRARY FUND Library Department Reduced Funding from Carpinteria Friends of the Library Reduce Book Acquisitions Budget at Carpinteria Library Reduce Hourly Salaries Budget at Carpinteria Library Reduced Funding from Goleta Friends of the Library Updated Estimate for Goleta Library Parcel Tax	\$ (15,000) - (11,700) 7,847	\$ - (7,500) (7,500) -	
County Library Fund Total	\$ (18,853)	\$ (15,000)	\$ (3,853)
REDEVELOPMENT AGENCY (RDA) FUND Community Development Department Increase Redevelopment Funding for Restorative Policing Efforts Reduce Project Contingency to Rebalance RDA Fund Budget	\$ - -	\$ 217,070 (217,070)	
Redevelopment Agency Fund Total	<u>\$ -</u>	<u>\$</u> -	<u>\$ -</u>
STREETS FUND Public Works Department Shift 20% of Assistant Public Works Director from General Fund Reduce Resurfacing Program to Rebalance Streets Fund Budget	\$ - -	\$ 43,232 (43,232)	
Streets Fund Total	<u>\$ -</u>	<u>\$</u>	<u>\$</u> -



## CITY OF SANTA BARBARA CITY COUNCIL MINUTES

# REGULAR MEETING May 3, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

#### **CALL TO ORDER**

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee met at 11:30 a.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

#### PLEDGE OF ALLEGIANCE

Mayor Schneider.

#### **ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy

Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley,

Deputy City Clerk Susan Tschech.

#### **CEREMONIAL ITEMS**

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through May 31, 2011.

#### Documents:

May 3, 2011, report from the Assistant City Administrator/Administrative Services Director.

#### Speakers:

Staff: City Administrator James Armstrong.

By consensus, the Council approved the recommendation, and the following employees were recognized:

5-Year Pin

Graciela Reynoso, Administrative Services Elizabeth Stotts, Community Development John Nelson, Police Justin Berman, Public Works Arianna Castellanos, Public Works Johny Salas, Public Works

10-Year Pin

Bryan Jensen, Police Christina Ortega, Police Kevin Rhyne, Police 15-Year Pin

Susan Gray, Community Development Susan Gantz, Community Development Michael Ullemeyer, Police

20-Year Pin

Onalisa Hoodes, Police
Ed Olsen, Police
Paul Rodriguez, Airport
25-Year Pin

Steven Berman, Fire
Brian Porter, Fire
Michael Gordon, Public Works
Therese Gibson, Airport
35-Year Pin
Alvin James, Fire

#### CHANGES TO THE AGENDA

#### Items Removed from Agenda

City Administrator Armstrong stated that Item No. 10 was being removed from the agenda, as the Council had considered the matter at the special meeting of May 2, 2011. Mayor Schneider noted that Item No. 13 was being deferred until May 10, 2011.

10. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General, Treatment and Patrol, and Supervisory bargaining units, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

13. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (160.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

#### PUBLIC COMMENT

Speakers: Kenneth Loch, AIE the Person.

#### CONSENT CALENDAR (Item Nos. 2 – 6)

Motion:

Councilmembers House/Rowse to approve the Consent Calendar as recommended.

Vote:

Unanimous voice vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of April 11, 2011.

Action: Approved the recommendation.

3. Subject: Capital Improvement Projects Third Quarter Report For Fiscal Year 2011 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects (CIP) for the Third Quarter of Fiscal Year 2011.

Action: Approved the recommendation (May 3, 2011, report from the Public Works Director).

4. Subject: Purchase Order For Airline Terminal Gala Event (560.01)

Recommendation: That Council:

A. Find it is in the City's best interest to waive the formal bid process as authorized in Municipal Code Section 4.52.070 (k) and authorize the General Services Manager to issue a purchase order to Rincon Beach Club & Catering as the single source and most favorable source for providing the City with the food and beverage services and rentals for 1,500 guests for the Airline Terminal Gala event on June 17, 2011, at a not-to-exceed amount of \$106,500, funded from ticket sales and sponsorship revenue; and

B. Authorize an increase in appropriations and estimated revenues by \$106,500 in the Airport Operating Fund to cover the costs of the Gala event funded from sponsorships and ticket sales.

Action: Approved the recommendations (May 3, 2011, report from the Airport Director).

#### **NOTICES**

- 5. The City Clerk has on Thursday, April 28, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 6. Received a letter of resignation from Parks and Recreation Commissioner Daraka Larimore-Hall; the vacancy will be part of the current City Advisory Groups recruitment.

This concluded the Consent Calendar.

#### REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee considered and approved a Staff recommendation to make three grants to the Housing Authority of the City of Santa Barbara for needed repairs to three projects. The Committee also heard a Staff report on the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013; the issues discussed will come before the Council as part of the budget's adoption.

#### CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

#### PUBLIC WORKS DEPARTMENT

7. Subject: Street Parking Determination For Brinkerhoff Avenue (550.01)

Recommendation: That Council provide direction regarding the request of Brinkerhoff Avenue (Brinkerhoff) residents to maintain the one-way street with angled parking.

#### Documents:

- May 3, 2011, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- April 29, 2011, letter from Dana Longo.
- May 2, 2011, letter from Carolina Cardona.
- Undated letters from Wanda Livernois, Paul Primeau, Patricia Robles-Morris, Caroline Vassallo.

#### Speakers:

- Transportation Manager Browning Allen, Project Planner Michael Berman.
- Historic Landmarks Commission: Commissioner Fermina Murray.
- Members of the Public: Barbara Primeau, Paul Primeau, Barry Winick, Tim Buynak, George Ogle, Carl Hightower, Wanda Livernois, Jeanne Kahre, Mary Robles, Robert Livernois, Susan Love, Tony Vassallo, Caroline Vassallo, Kellam de Forest, Dana Longo.

#### Motion:

Councilmembers House/White to approve the request of Brinkerhoff Avenue residents to maintain the one-way street with angled parking.

#### Vote:

Unanimous voice vote.

#### FINANCE DEPARTMENT

8. Subject: Professional Services Agreement For Zone 1 Hauler Franchise Renewal (630.01)

#### Recommendation: That Council:

- A. Authorize the Finance Director to negotiate and execute a Professional Services Agreement, in a form acceptable to the City Attorney, with HF&H Consultants, LLC, in an amount not to exceed \$110,200 for competitive contracting assistance; and
- B. Appropriate \$110,200 from the available reserves of the City's Solid Waste Fund to cover these contract costs and direct staff to require any successful Zone 1 Hauler to reimburse the City for these costs as part of the franchise agreement to be awarded.

#### Documents:

- May 3, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

#### Speakers:

- Staff: Employee Relations Manager Kristy Schmidt, Finance Director Robert Samario, City Administrator James Armstrong, Environmental Services Manager Matthew Fore.
- HF&H Consultants, LLC: Senior Vice President Laith Ezzet.
- County of Santa Barbara: Public Works Deputy Director Mark Schleich.
- Members of the Public: Kellam de Forest.

#### Motion:

Councilmembers House/Hotchkiss to approve the recommendations, with the following additional direction: 1) the Request for Proposals (RFP) is to build on the successes of the existing franchise contract; 2) the Council Sustainability Committee or another Council committee is to be an integral part of the development of the RFP; 3) Staff is to utilize the County's RFP process to the maximum possible extent; and 4) the RFP should include the establishment of a partnership with the hauler to meet regional goals to increase the diversion rate and develop conversion technology.

#### Vote:

Majority voice vote (Noes: Councilmember Francisco).

#### MAYOR AND COUNCIL REPORTS

9. Subject: Request From Councilmembers Rowse And Self Regarding The Employee Mortgage Loan Assistance Program (430.03)

Recommendation: That Council hear a report from staff on the on the history of the establishment and an examination of the effectiveness of the City's Employee Mortgage Loan Assistance Program pursuant to a request from Councilmembers Rowse and Self.

#### Documents:

- May 3, 2011, report from the Finance Director.
- PowerPoint presentation prepared by Staff.

#### Speakers:

Members of the Public: Kate Smith.

#### Discussion:

Mayor Schneider stated the Council's consensus that the Employee Mortgage Loan Assistance Program is discontinued for the present and that any decision to reactivate it would have to be made by the Council in open session.

#### **RECESS**

Mayor Schneider recessed the meeting at 5:30 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 11 and 12, and she stated there would be no reportable action taken during the closed sessions. Public comment on Item No. 12 was taken from Kate Smith prior to the recess.

#### **CLOSED SESSIONS**

11. Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

May 3, 2011, report from the City Attorney.

Time:

5:40 p.m. - 6:22 p.m.

No report made.

12. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Administrator

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

Documents:

May 3, 2011, report from Mayor Schneider.

Time:

6:22 p.m. - 6:46 p.m.

No report made.

#### **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:46 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER MAYOR SUSAN TSCHECH, CMC DEPUTY CITY CLERK



## CITY OF SANTA BARBARA CITY COUNCIL MINUTES

# SPECIAL MEETING May 5, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

#### **CALL TO ORDER**

Mayor Helene Schneider called the meeting to order at 10:03 a.m.

#### PLEDGE OF ALLEGIANCE

Mayor Schneider.

#### **ROLL CALL**

Councilmembers present: Dale Francisco (10:51 a.m.), Frank Hotchkiss, Grant House (11:03 a.m.), Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

#### **PUBLIC COMMENT**

No one wished to speak.

#### **NOTICES**

The City Clerk has on Thursday, April 28, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

#### CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

#### FINANCE DEPARTMENT

## Subject: Proposed Two-Year Financial Plan For Fiscal Years 2012 And 2013 (230.05)

Recommendation: That Council hear a presentation from the Public Works Department on its recommended budget as contained in the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013.

#### Documents:

- May 5, 2011, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened (continued from May 2, 2011): 10:05 a.m.

#### Speakers:

Staff: Public Works Director Christine Andersen, Transportation Manager Browning Allen, City Administrator James Armstrong, Water Resources Manager Rebecca Bjork, Assistant Public Works Director/City Engineer Pat Kelly, Fleet Superintendent Gary Horwald, Facilities and Energy Manager James Dewey.

#### Discussion:

Public Works Director Christine Andersen presented an overview of the department's organization and its various funds, including Intra-City Service, Streets, Street Sweeping, Downtown Parking, Water, and Wastewater Funds. She also outlined adjustments to service levels resulting from budgetary challenges. Department Staff discussed program highlights, major projects, and key objectives for Engineering, Transportation, Downtown Parking, Fleet Management, Facilities Maintenance, Water, and Wastewater Divisions. Rate planning for water and wastewater infrastructure improvements was reviewed in some detail. Councilmembers' questions were answered.

By consensus, the public hearing was continued to May 9, 2011, at 6:00 p.m.

#### **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 1:08 p.m.

SANTA BARBARA CITY COUNCIL SANTA BARBARA

CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER MAYOR SUSAN TSCHECH, CMC DEPUTY CITY CLERK

#### ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 22.04.030 OF CHAPTER 22.04 OF TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE CONCERNING LOCAL AMENDMENTS TO THE CALIFORNIA PLUMBING CODE

WHEREAS, model construction codes are developed and published periodically by professional organizations of building official experts; and

WHEREAS, these codes are adopted by the State of California and by local communities with amendments pertinent to local conditions; and

WHEREAS, the City of Santa Barbara relies on local ground and surface water for its local water supplies; and

WHEREAS, drought conditions are common occurrences within Santa Barbara and the surrounding areas; and

WHEREAS, local topography and climate present unique fire hazard and fire abatement conditions; and

WHEREAS, local geological conditions present unique geophysical hazards; and

WHEREAS, the City Council of the City of Santa Barbara finds that such local geological, topographic and climatic conditions warrant certain amendments to the model codes related to construction;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 22.04.030 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

#### 22.04.030 Amendments to California Plumbing Code.

The 2010 California Plumbing Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.030.

A. Section 103.4.1 of the California Plumbing Code is deleted in its entirety and readopted to read as follows:

**103.4.1 Permit Fees.** The fee for each permit shall be established by resolution of the City Council of the City of Santa Barbara.

B. Section 402 of the California Plumbing Code is amended by the addition of subsections 402.7 and 402.8 to read as follows:

**402.7 Fountains**. All fountains and other decorative bodies of water shall be equipped with a recirculation system and shall be designed to operate without a continuous supply of water.

#### 402.8 Vehicle Wash Facilities.

- **402.8.1.** All vehicle wash facilities using conveyorized, touchless and/or rollover in-bay technology shall reuse a minimum of fifty percent (50%) of water from previous vehicle rinses in subsequent washes.
- **402.8.2.** Vehicle wash facilities using reverse osmosis to produce water rinse with a lower mineral content, shall incorporate the unused concentrate in subsequent vehicle washes.
- **402.8.3**. All hoses, pipes, and faucets designed for the manual application of water to vehicles at vehicle wash facilities shall be equipped with a positive shut-off valve designed to interrupt the flow of water in the absence of operator applied pressure.
- C. Section 412.1 of the California Plumbing Code is amended to read as follows:
- **412.1 Fixture Count.** Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number shown in Table 4-1[OSHPD 1, 2, 3 and 4] and Table 4-2.

**Exception:** Within existing buildings, the Chief Building Official may make alternate consideration findings for partial compliance on the basis of the following criteria:

- 1. The cost of compliance is in excess of 15% of all cost of construction as proposed or incurred within one (1) year before or after the work proposed; and
- 2. The proposed use does not intensify the occupant load by more than 15% of the existing occupant load; and
- 3. Water closets are not reduced by more than one fixture from that required under CPC Table 4-1 criteria for the use proposed; and
- 4. Other physical constraints of existing buildings and occupancies relative to disabled access regulations exist.
- D. Chapter 4 of the California Plumbing Code is amended to add Section 419 "Water Meters Required," to read as follows:

#### 419. Water Meters Required.

- **419.1. Group R Occupancies.** Each dwelling unit, including, but not limited to, apartments units, shall be served by a separate City water meter. Except in projects of less than five (5) dwelling units, such meter shall serve only uses within the dwelling unit, and other uses shall be served by an additional separate City water meter.
- **419.2.** Occupancies Other Than Group R. All occupancies other than Group R on a single parcel of land may be served by a single meter, except that no such meter shall also serve any Group R occupancy.
  - E. Section 603.0 of the California Plumbing Code is amended to read as follows:
- **603.0** Cross-Connection Control. Cross-connection control shall be provided in accordance with the provisions of this chapter and Sections 7583 through 7630,

"Drinking Water Supplies," of Title 17 of the California Administrative Code, and where there is a conflict between the requirements, the higher level of protection shall apply.

No person shall install any water-operated equipment or mechanism, or use any water-treating chemical or substance, if it is found that such equipment, mechanism, chemical, or substance causes pollution or contamination of the domestic water supply. Such equipment or mechanism shall be permitted only when equipped with an approved backflow prevention device or assembly.

- F. Section 608.2 of the California Plumbing Code is amended to read as follows: **608.2 Excessive Water Pressure.** Regardless of the pressure at the main, all occupancies served by the City of Santa Barbara Water Resources Division shall be equipped with an approved pressure regulator preceded by a strainer (unless a strainer is built into the device). Any irrigation system or other secondary piping that bypasses said regulator shall be equipped with its own approved pressure regulator and strainer, installed upstream of any piping, backflow device, valve, solenoid or outlet. Such regulator(s) shall control the pressure to all water outlets in the building unless otherwise approved by the Authority Having Jurisdiction. Each such regulator and strainer shall be accessibly located above ground or in a vault equipped with a properly sized and sloped bore-sighted drain to daylight, shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. Pipe size determinations shall be based on 80 percent of the reduced pressure when using Table 6-6. An approved expansion tank shall be installed in the cold water distribution piping downstream of each such regulator to prevent excessive pressure from developing due to thermal expansion and to maintain the pressure setting of the regulator. The expansion tank shall be properly sized and installed in accordance with the manufacturer's instructions and listing. Systems designed by registered engineers shall be permitted to use approved pressure relief valves in lieu of expansion tanks, provided such relief valves have a maximum pressure relief setting of one hundred (100) pounds per square inch (689 kPa) or less.
- G. Section 710.0 of the California Plumbing Code is amended to add Sections 710.14 and 710.15 to read as follows:
- **710.14 Sewage Pump Signaling Device.** Specially designed sewage disposal systems which depend upon a sewage lift pump or ejector for their operation shall be provided with an approved audible signaling device to warn building occupants in the event of pump failure.
- **710.15. Approved Type Backwater Valve.** When the valuation of an addition, alteration, or repair to a building exceeds \$1,000.00, or when additions, alterations, or repairs are made to the plumbing system or fixtures and a permit is required, an approved backwater valve shall be installed in accordance with Section 710.0 of this Code.

**Exception:** Repairs to the exterior surface of a building are exempt from the requirements of this section.

H. Section 713.0 of the California Plumbing Code is amended to read as follows:

**713.2.** When no public sewer intended to serve any lot or premises is available in any thoroughfare or right-of-way abutting such lot or premises, drainage piping from any building or works shall be connected to an approved private sewage disposal system.

Approved private systems may be used until a public system is available. Upon written notice by the Chief Building Official to the record owner of title, such private systems shall be abandoned in accordance with the provisions of Section 722.0 of this code, and permits to connect to the public system must be secured.

Agenda	Item	No.
, igoniaa	110111	

File Code No. 640.08



#### **CITY OF SANTA BARBARA**

#### **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Approval Of Final Map And Execution Of Agreements For 101 West

Canon Perdido Street

#### **RECOMMENDATION:**

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,792 (Map) and other standard agreements relating to the approved subdivision at 101 West Canon Perdido Street, and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

#### DISCUSSION:

A Tentative Map for the subdivision located at 101 West Canon Perdido Street (Attachment 1), was conditionally approved on December 16, 2009, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 104-09 (Attachment 2). The project involves a two-lot subdivision, and the conversion of the existing building into four commercial condominiums. Staff has reviewed the Map and has found the Map to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

On January 25, 2011, Council made a determination to revise the Chapala Street Guidelines, which eliminated the curb extensions that were a Condition of Approval in the SHO resolution. Planning staff made a Level 2 Substantial Conformance Determination to document the removal of this requirement.

In accordance with the SHO approval, the Owner's authorized agent (Attachment 3) has signed and submitted the Map and the subject Agreements to the City, tracked under Public Works Permit Number PBW2010-01270. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

Council Agenda Report Approval Of Final Map And Execution Of Agreements For 101 West Canon Perdido Street May 24, 2011 Page 2

Staff recommends that Council authorize the City Administrator to execute the subject Agreement Relating to Subdivision Map Conditions Imposed on Real Property and the Agreement for Land Development Improvements.

The Agreement Assigning Water Extraction Rights does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

#### THE FINAL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

ATTACHMENT(S): 1. Vicinity Map

2. Conditions required to be recorded concurrent with Final Map Number 20,792 by the Staff Hearing Officer Conditions of Approval Resolution Number 104-09

3. List of Owners

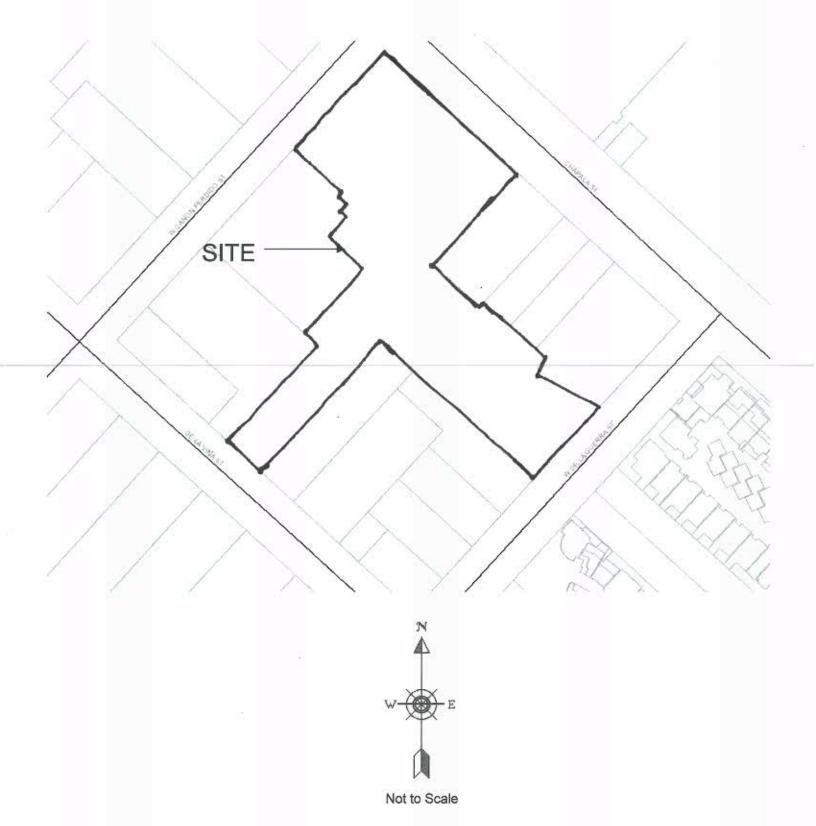
**PREPARED BY:** Mark Wilde, Supervising Civil Engineer/VJ/kts

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

### **ATTACHMENT 1**

### Vicinity Map 101 West Canon Perdido Street



## CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,792 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 104-09

## 101 West Canon Perdido Street VERIZON PROPERTY

Said approval is subject to the following conditions:

- 1. Aproved Development. The development of the Real Property approved by the Staff Hearing Officer on <u>December 16, 2009</u> is limited to a two-lot subdivision and a condo conversion of one of the lots to create four (4) commercial condominium units, and to construct the public improvements shown on the Tentative Subdivision Map, signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
- 2. Building Permit Requirement. In conjunction with the issuance of the first building permit on either proposed Lot 1 or proposed Lot 2, following recordation of the Parcel Map, the existing building on proposed Lot 1 shall comply with the handicap accessible entrance requirements for the Chapala Street entryway, in compliance with the California Code of Regulations.
- **3. Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
- **4.** Recreational Vehicle Storage Prohibition. No recreational vehicles, boats, or trailers shall be stored on the Real Property.
- 5. Landscape Plan Compliance. The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
- **6. Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
  - a. Common Area Maintenance. An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate costsharing of such regular maintenance among the various owners of the condominium units.
  - b. Spaces Available for Parking for Proposed Lots 1 and 2. A covenant that includes a requirement that all required parking spaces be kept open and available for the parking of vehicles in the manner for which the spaces were designed and permitted.

- **c.** Landscape Maintenance. A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
- d. Trash and Recycling. Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- **e. Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- **f.** Covenant Enforcement. A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

### **ATTACHMENT 3**

#### LIST OF OWNERS

101 W. Canon Perdido Street
Verizon California, Inc.

Agenda Item No				
	Agenda	Item	No.	

File Code No. 540.13



#### CITY OF SANTA BARBARA

#### **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Scanning Support Services For The El Estero Scanning

And Document Management Project

#### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute a City Professional Services Contract with MNS Engineers, Inc. in the amount of \$55,350 for scanning support services for the El Estero Wastewater Treatment Plant Scanning and Document Management Project, and authorize the Public Works Director to approve expenditures of up to \$5,535 for extra services that may result from necessary changes in the scope of work.

#### **DISCUSSION:**

#### **BACKGROUND**

The El Estero Wastewater Treatment Plant (EEWWTP) was constructed in the 1970s and since that time has undergone many improvements. Documentation of these improvements is identified in relevant design and as-built drawings stored at the EEWWTP.

In 2007, Public Works staff initiated electronic scanning and primary indexing of City maps and drawing sheets in the Engineering Map Vault. Drawings at EEWWTP, however, were not included in this initial effort.

On September 15, 2010, a purchase order was issued to MNS Engineers, Inc. (MNS) to inventory and catalogue 3,500 design and as-built drawings stored at EEWWTP in preparation for the EEWWTP Scanning and Document Management Project (Project).

Council Agenda Report
Contract For Scanning Support Services For The El Estero Scanning And Document
Management Project
May 24, 2011
Page 2

#### PROJECT DESCRIPTION

The Project work consists of removing duplicate drawings from the drawing files, inputting the scanned images into the Questys database system, indexing the scans, and providing a keyed index plan. MNS is one of the participants in the City's Three-Year Prequalified Engineering Services Program. The actual scanning of the documents will be accomplished by a separate purchase order with a scanning vendor.

Once completed, documents stored at EEWWTP will be in digital form and can be accessed via computer. Scanning will allow staff to store the digital information on the City's computer network, making retrieval of drawing information easier and more reliable. Having the drawings electronically available will allow for more efficient use of staff time. Since they will seldom be reviewed in hard copy format, documents can be archived in space-efficient file storage systems, if desired.

#### **BUDGET/FINANCIAL INFORMATION**

There are sufficient appropriated funds in the Wastewater budget to cover the costs of services.

#### **SUSTAINABILITY IMPACT:**

Staff anticipates a reduction in the need to copy drawings because they will be digitally accessible, thereby saving paper and staff time.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/LA/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

File Code No. 540.06



#### **CITY OF SANTA BARBARA**

#### **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

TO: Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Design For The Las Canoas Water Main Replacement

#### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute a City Professional Services Contract with O'Brien & Wall (Wall) in the amount of \$99,528 for design services for the Las Canoas Water Main Replacement Project (Project), and authorize the Public Works Director to approve expenditures of up to \$9,950 for extra services of Wall that may result from necessary changes in the scope of work.

#### **DISCUSSION:**

#### **BACKGROUND**

The 8-inch water main located in Las Canoas Road was installed in 1959 to connect two City reservoirs located in the Mission Canyon and Riviera areas. The water main enables the two reservoirs to "float" off one another, meaning supply each other with water, depending on the demand. Over the years, additional development in the area has increased water demand, and the 52-year old water main now needs to be upsized to better serve the area with both domestic water supplies and water for fire protection.

This Project was submitted as a candidate to receive funds from the Federal Economic Recovery Program (FERP), for which the Project had to be "shovel ready." Design was initiated and Wall was hired on January 9, 2010, as the low bidder to provide drafting services for the Project plans for \$37,300. The Project was not selected for the FERP funding, so it was put on hold and scheduled into the Water Fund's capital program for construction in Fiscal Year 2012.

Since that time, there have been a number of staffing changes to the Engineering Division's design group and significant capital projects have commenced, thereby impacting staff's ability to complete the Project plans and specifications for construction bidding. Staff recommends contracting with Wall to provide these additional services to complete the bid documents and provide assistance during the bidding process.

Council Agenda Report Contract For Design For The Las Canoas Water Main Replacement May 24, 2011 Page 2

#### PROJECT DESCRIPTION

The work consists of replacing approximately 2.6 miles of existing 8-inch water main on Las Canoas Road with a new 12-inch High Density Polyethylene water main. The original scope of work has been expanded to consider replacing sections of the water main that cross under or through four bridges on Las Canoas Road.

#### DESIGN PHASE CONSULTANT ENGINEERING SERVICES

Since Wall was selected through a competitive bidding process and performed the initial drafting services for the Project, staff recommends that Council authorize the Public Works Director to execute a Professional Services Contract with Wall in the amount of \$99,528 to complete the engineering plans and specification documents for construction bidding, and to provide support during the bidding process. Staff also recommends that Council authorize the Public Works Director to approve change orders of up to \$9,950 for extra services that may result from necessary changes in the scope of work, for a total amount of \$109,478.

Wall is a locally owned civil engineering firm with vast experience in water system design, and they have successfully performed similar work for the City in the past. Considering Wall's familiarity with the project and staff's current workload with competing capital projects, staff believes it is in the City's best interest to contract with Wall to complete this project for construction bidding.

#### COMMUNITY OUTREACH

It is anticipated that there will be two methods used for community outreach during the design and construction phases. Mailers are typically sent out two to three months in advance of construction by design staff to alert residents and homeowners of the pending work; and during construction, door hangers will be placed at residences directly impacted by the work.

Council Agenda Report Contract For Design For The Las Canoas Water Main Replacement May 24, 2011 Page 3

#### **FUNDING**

The following summarizes all estimated total Project costs:

#### **ESTIMATED TOTAL PROJECT COST**

Drafting Services (existing Purchase Order with Wall)	\$37,300
Design (by Contract)	\$109,478
Other Design Costs – City Staff	\$47,000
Survey	\$43,561
Other Design Costs - Environmental Review, Public Outreach	\$1,500
Subtotal	\$238,839
Estimated Construction Contract w/Change Order Allowance	\$3,415,500
Estimated Construction Management/Inspection (by Contract or City)	\$160,080
Estimated Other Construction Costs (testing, etc.)	\$500
Subtotal	\$3,576,080
TOTAL PROJECT COST	\$3,814,919

There are sufficient appropriated funds in the Water Capital Fund to cover design costs in Fiscal Year 2012.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/LA/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

Agenda Item No.\_

File Code No. 560.04



## **CITY OF SANTA BARBARA**

#### **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** Airport Administration, Airport Department

**SUBJECT:** Amend Airline Terminal Public Arts Program Agreements

#### **RECOMMENDATION:** That Council:

A. Approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, an amendment to Agreement No. 23,496 between the City and Vidya Gauci for design and installation of decorative stenciling associated with the Airline Terminal Project to increase the contract amount by \$2,994 for a total not-to-exceed amount of \$14,994; and

B. Approve and authorize the Airport Director to execute, subject to approval as to form by the City Attorney, an amendment to Agreement No. 23,168 between the City and the Santa Barbara County Arts Commission for the long term loan of the "Fiesta" Mural by artist Channing Peake to increase the reimbursement amount by \$2,000 for a total not-to-exceed amount of \$10,000.

#### DISCUSSION:

#### Background

The Airport Department, in collaboration with the City Arts Advisory Committee and the Visual Arts in Public Places Committee, developed a Public Arts Program for the new Airline Terminal. The Program is comprised of three elements: long term loan of existing art; commissioned art; and a rotating exhibit of regional art.

## Program Funding

The Airline Terminal Project budget includes \$100,000 for the Public Arts Program. The initial program budget will fund restoration of existing art, and design and installation of three commissioned art projects. The Airport was a fortunate recipient of a \$40,000 grant by Santa Barbara Beautiful that will augment the Arts Program funding in the Terminal Project budget.

Council Agenda Report Amend Airline Terminal Public Arts Program Agreements With Artists May 24, 2011 Page 2

The objective for the ongoing funding of the Airline Terminal Public Arts Program is to leverage the initial seed money with grants and funding from organizations or individuals who may wish to commission an artwork for the Terminal and develop a fundraising program.

#### **Commissioned Art Projects**

In December 2009, the Program's commissioned art element was initiated with the distribution of a Request for Proposals (RFP) for artists to submit proposals for the design and installation of three art projects.

Local artist Vidya Gauci was selected for the Decorative Wood Beam Stenciling project. Council authorized approval of an agreement with Ms. Gauci on July 27, 2010 in the amount of \$12,000. The project scope of work entailed the design and stenciling of fourteen wood ceiling beams in the entry pavilion and on the second floor of the new terminal building.

In her proposal for the wood beam stenciling, Ms. Gauci based the cost on the beam measurements listed in the Request For Qualifications (RFQ). The measurements of the installed steel beams and wood facade were larger than listed in the RFQ. As a result, additional costs will be incurred that were not contemplated in the artist's proposal. Based on the labor costs to hand-stencil an additional 210 square feet of beams, staff proposes to increase the total project compensation amount by \$2,994 for a total project cost of \$14,994.

#### **Long Term Loan Art Work**

Another component of the Airline Terminal Public Art Program is the long term loan of significant existing art work. Council approved an agreement with the Santa Barbara County Arts Commission for the long-term loan of the "Fiesta" mural by renowned artist Channing Peake.

As the Arts Commission has the expertise to oversee the restoration and installation of the mural, the Agreement provides for the Airport Department to reimburse the Arts Commission for the costs to restore and install the mural in the new airline terminal. The Agreement includes a not-to-exceed cost of \$8,000 for the mural restoration. The Agreement further provides that the Arts Commission is to submit a cost proposal for the installation of the mural and contemplates amending the Agreement to reflect the installation costs once those costs are known.

The Arts Commission has submitted a not-to-exceed cost for the mural installation in the amount of \$2,000 and the total not-to-exceed cost of \$10,000. Staff proposes to amend the Agreement to incorporate this cost.

Council Agenda Report Amend Airline Terminal Public Arts Program Agreements With Artists May 24, 2011 Page 3

## **BUDGETARY/FINANCIAL INFORMATION:**

Funding for the two agreements is included in the Airline Terminal Improvement Project budget.

**SUBMITTED BY:** Karen Ramsdell, Airport Director

**APPROVED BY:** City Administrator's Office

Agenda Item No.\_\_

File Code No. 260.02



## **CITY OF SANTA BARBARA**

### **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** Treasury Division, Finance Department

**SUBJECT:** April 2011 Investment Report

#### **RECOMMENDATION:**

That Council accept the April 2011 Investment Report.

#### **DISCUSSION:**

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of April 30, 2011.

**ATTACHMENT:** April 2011 Investment Report

PREPARED BY: Jill Taura, Treasury Manager

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office

# Attachment

## CITY OF SANTA BARBARA Activity and Interest Report April 30, 2011

		INTEREST REVENUE		
		POOLED INVESTMENTS		
\$	3,500,000	Interest Earned on Investments	\$	240,490
	2,000,000	Amortization		(8,805)
	2,000,000	Interest on SBB&T Accounts		201
	2,000,000	Total	\$	231,886
	16,000,000			
\$	25,500,000			
		RDA INVESTMENTS		
\$	(2,500,000)	Interest Earned on LAIF Investment	\$	7,119
	(2,000,000)	Interest Earned on Pooled Investments	<u></u>	20,725
	(500,000)		\$	27,844
	(4,500,000)			
	(1,500,000)			
	(1,500,000)			
\$	(12,500,000)			
•	12 000 000	TOTAL INTEDEST EADNED	•	259,730
	<b>\$</b>	2,000,000 2,000,000 2,000,000 16,000,000 \$ 25,500,000 \$ (2,500,000) (2,000,000) (500,000) (4,500,000) (1,500,000) (1,500,000) \$ (12,500,000)	## POOLED INVESTMENTS  \$ 3,500,000   Interest Earned on Investments   2,000,000   Interest on SBB&T Accounts   2,000,000   Total    ## Total    ## RDA INVESTMENTS  \$ (2,500,000)   Interest Earned on LAIF Investment   (2,000,000)   (500,000)   (4,500,000)   (1,500,000)	\$ 3,500,000 Interest Earned on Investments \$ 2,000,000 Amortization Interest on SBB&T Accounts  2,000,000 Interest on SBB&T Accounts  7 total \$ \$ (2,500,000)  RDA INVESTMENTS  \$ (2,500,000) Interest Earned on LAIF Investment (2,000,000) (500,000) (1,500,000) (1,500,000) (1,500,000)  \$ (12,500,000)  \$ (12,500,000)

## CITY OF SANTA BARBARA Summary of Cash and Investments April 30, 2011

#### **ENDING BALANCE AS OF MARCH 31, 2011**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 40,500,000	0.530%	24.61%	1
Certificates of Deposit	2,000,000	1.750%	1.22%	231
Federal Agency Issues - Coupon	110,012,980	2.138%	66.86%	1,111
Corporate/Medium Term Notes	5,992,942	2.293%	3.64%	1,471
	158,505,922	1.728%	96.33%	830
SB Airport Promissory Note	6,044,793	7.000%	3.67%	6,665
Totals and Averages	\$ 164,550,715	1.922%	100.00%	1,044
SBB&T Money Market Account	4,677,523			
Total Cash and Investments	\$ 169,228,238			

#### **NET CASH AND INVESTMENT ACTIVITY FOR APRIL 2011**

\$ 12,456,585

## **ENDING BALANCE AS OF APRIL 30, 2011**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 49,500,000	0.560%	27.88%	1 (1)
Certificates of Deposit	2,000,000	1.750%	1.13%	201
Federal Agency Issues - Coupon	114,004,050	2.141%	64.21%	1,120
Corporate/Medium Term Notes	5,993,067	2.293%	3.38%	1,441
	171,497,117	1.685%	96.60%	798
SB Airport Promissory Note	6,044,793	7.000%	3.40%	6,635
Totals and Averages	\$ 177,541,910	1.867%	100.00%	996
SBB&T Money Market Account	4,142,914			
Total Cash and Investments	\$ 181,684,824			

#### Note:

<sup>(1)</sup> The average life of the LAIF portfolio as of April 30, 2011 is 175 days.

#### CITY OF SANTA BARBARA Investment Portfolio April 30, 2011

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY MOODY'S	RATING S&P	STATED RATE	YIELD AT	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS	DATE	DATE	MIOODIS	347	RAIE	303	VALUE	VALUE	VALUE	GAIIW(LUSS)	COMINENTS
					0.560	0.560	24 500 000 00	24 500 000 00	24 500 000 00	0.00	
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.560		34,500,000.00	34,500,000.00	34,500,000.00		
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.560	0.560	15,000,000.00	15,000,000.00	15,000,000.00	0.00	
Subtotal, LAIF							49,500,000.00	49,500,000.00	49,500,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/09	11/18/11	-	-	1.750	1.750	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,002,459.73	2,037,610.00	35,150.27	
FEDERAL FARM CREDIT BANK	10/28/10	10/28/15	Aaa	AAA	1.540	1.540	2,000,000.00	2,000,000.00	1,967,200.00	(32,800.00)	Callable 10/28/11, then cont.
FEDERAL FARM CREDIT BANK	12/10/10	12/08/14	Aaa	AAA	1.500	1.662	2,000,000.00	1,992,423.18	2,000,440.00	8,016.82	Callable 12/08/11, then cont.
FEDERAL FARM CREDIT BANK	02/02/11	02/02/15	Aaa	AAA	2.000	2.000	1,500,000.00	1,500,000.00	1,514,805.00	14,805.00	Callable 02/02/12, then cont.
FEDERAL FARM CREDIT BANK	02/10/11	02/10/14	Aaa	AAA	1.375	1.375	2,000,000.00	2,000,000.00	2,017,950.00	17,950.00	•
FEDERAL FARM CREDIT BANK	03/09/11	03/09/16	Aaa	AAA	2.600	2.621	2,000,000.00	1,998,288.89	2,019,960.00	21,671.11	Callable 03/09/12, then cont.
FEDERAL FARM CREDIT BANK	12/15/10	12/15/15	Aaa	AAA	2.480	2.480	2,000,000.00	2,000,000.00	2,004,690.00	4,690.00	Callable 12/15/11, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.002	2,000,000.00	2,000,000.00	2,024,730.00	24,730.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,073,280.00	73,280.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,060,400.00	60,400.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,039,570.00	39,570.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,007,970.00	7,970.00	
FEDERAL FARM CREDIT BANK	04/30/10	04/09/15	Aaa	AAA	2.900	2.916	2,000,000.00	1,999,265.01	2,028,530.00	29,264.99	Callable 04/09/12, once
FEDERAL FARM CREDIT BANK	11/23/10	11/23/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	1,985,350.00	(14,650.00)	Callable 05/23/12, then cont.
FEDERAL FARM CREDIT BANK	02/16/11	02/16/16	Aaa	AAA	2.570	2.570	2,000,000.00	2,000,000.00	2,046,440.00	46,440.00	
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,000,473.46	2,010,530.00	10,056.54	
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,740,810.18	1,767,660.00	26,849.82	
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,051,630.00	51,630.00	
FEDERAL HOME LOAN BANK	08/05/10	09/12/14	Aaa	AAA	1.375	1.375	2,000,000.00	2,000,000.00	2,002,820.00	2,820.00	
FEDERAL HOME LOAN BANK	12/28/10	07/28/14	Aaa	AAA	0.650	1.816	2,000,000.00	2,000,000.00	2,002,580.00	2,580.00	SU 2.05% Callable 07/28/11, once
FEDERAL HOME LOAN BANK	06/30/09	06/30/14	Aaa	AAA	2.000	3.733	2,000,000.00	2,000,000.00	2,002,620.00	2,620.00	SU 5%, Callable 06/30/11, once
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AAA	3.125	2.440	2,000,000.00	2,033,831.91	2,104,840.00	71,008.09	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AAA	1.700	1.700	2,000,000.00	2,000,000.00	2,036,380.00	36,380.00	
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,050,880.00	50,880.00	
FEDERAL HOME LOAN BANK	06/29/10	10/29/12		AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,019,270.00	19,270.00	
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,999,191.56	2,005,860.00	6,668.44	
FEDERAL HOME LOAN BANK	05/28/10	05/28/15		AAA	2.000	2.653	2,000,000.00	2,000,000.00	2,048,750.00	48,750.00	SU 3.35%, Callable 11/28/12, once
FEDERAL HOME LOAN BANK	06/30/10	06/30/14		AAA	1.125	2.277	2,000,000.00	2,000,000.00	2,018,700.00	18,700.00	SU 3% Callable 12/30/11, once
FEDERAL HOME LOAN BANK	09/17/09	09/13/13		AAA	4.375	2.272	2,000,000.00	2,094,645.57	2,163,230.00	68,584.43	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
FEDERAL HOME LOAN BANK	02/22/10	12/13/13		AAA	3.125	2.130	2,000,000.00	2,049,731.55	2,104,840.00	55,108.45	
FEDERAL HOME LOAN BANK	03/26/10	06/08/12		AAA	1.375	1.325	2,000,000.00	2,001,082.73	2,022,810.00	21,727.27	
. ISING HOME LOAN DANK	55/20/10	55/00/1Z	, ida	, , , , , ,	1.070	1.020	2,000,000.00	2,001,002.70	2,022,010.00	-1,121.21	

#### CITY OF SANTA BARBARA Investment Portfolio April 30, 2011

	PURCHASE	MATURITY	QUALITY	RATING	STATED	YIELD AT	FACE	воок	MARKET	воок	
DESCRIPTION	DATE	DATE	MOODY'S	S&P	RATE	365	VALUE	VALUE	VALUE	GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN BANK	07/14/10	07/14/15	Aaa	AAA	2.000	2.336	2,000,000.00	2,000,000.00	2,009,360.00	9,360.00	SU 2.0%-3.5% Call 07/14/11, then qrtly
FEDERAL HOME LOAN BANK	02/09/11	01/29/15	Aaa	AAA	1.750	1.750	2,000,000.00	2,000,000.00	2,015,420.00	15,420.00	
FEDERAL HOME LOAN BANK	04/15/11	05/27/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,023,490.00	23,490.00	
FEDERAL HOME LOAN MTG CORP	05/19/09	11/19/12	Aaa	AAA	2.170	2.170	2,000,000.00	2,000,000.00	2,001,800.00	1,800.00	Callable 05/19/11, once
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AAA	2.125	1.699	2,000,000.00	2,011,475.41	2,046,560.00	35,084.59	
FEDERAL HOME LOAN MTG CORP	11/23/10	11/23/15	Aaa	AAA	1.750	1.845	2,000,000.00	1,994,950.00	1,967,920.00	(27,030.00)	Callable 11/23/11, once
FEDERAL HOME LOAN MTG CORP	01/06/11	02/25/14	Aaa	AAA	1.375	1.375	2,000,000.00	2,000,000.00	2,016,040.00	16,040.00	
FEDERAL HOME LOAN MTG CORP	05/13/09	05/13/13	Aaa	AAA	2.400	2.400	2,000,000.00	2,000,000.00	2,001,360.00	1,360.00	Callable 05/13/11, once
FEDERAL HOME LOAN MTG CORP	12/15/10	12/15/15	Aaa	AAA	2.100	2.100	2,000,000.00	2,000,000.00	2,001,340.00	1,340.00	Callable 06/15/11, then qtrly
FEDERAL HOME LOAN MTG CORP	02/22/11	08/22/14	Aaa	AAA	1.700	1.700	1,500,000.00	1,500,000.00	1,505,190.00	5,190.00	Callable 08/22/11, once
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,964,814.56	2,011,840.00	47,025.44	
FEDERAL HOME LOAN MTG CORP	03/26/10	04/25/12	Aaa	AAA	1.125	1.197	1,000,000.00	999,300.51	1,007,900.00	8,599.49	
FEDERAL HOME LOAN MTG CORP	06/30/10	06/30/15	Aaa	AAA	2.000	2.914	2,000,000.00	2,000,000.00	2,006,960.00	6,960.00	SU 2.0%-4.5%, Call 06/30/11, annually
FEDERAL HOME LOAN MTG CORP	02/11/11	04/02/14	Aaa	AAA	4.500	1.615	2,000,000.00	2,163,550.84	2,186,320.00	22,769.16	
FEDERAL NATL MORTGAGE ASSN	07/07/10	07/07/15	Aaa	AAA	2.350	2.350	2,000,000.00	2,000,000.00	2,006,270.00	6,270.00	Callable 07/07/11, once
FEDERAL NATL MORTGAGE ASSN	02/17/11	02/17/16	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,026,720.00	26,720.00	Callable 02/17/12, once
FEDERAL NATL MORTGAGE ASSN	05/24/10	06/24/13	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,004,210.00	4,210.00	Callable 06/24/11, once
FEDERAL NATL MORTGAGE ASSN	08/10/10	08/10/15	Aaa	AAA	2.000	2.055	2,000,000.00	1,996,685.00	2,004,110.00	7,425.00	Callable 08/10/12, once
FEDERAL NATL MORTGAGE ASSN	11/17/10	11/17/14	Aaa	AAA	1.300	1.300	2,000,000.00	2,000,000.00	1,991,460.00	(8,540.00)	Callable 05/17/11, once
FEDERAL NATL MORTGAGE ASSN	12/28/10	12/28/15	Aaa	AAA	2.000	2.011	2,000,000.00	1,999,341.67	1,998,610.00	(731.67)	Calllable 12/28/11, once
FEDERAL NATL MORTGAGE ASSN	04/11/11	04/11/16	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,010,180.00	10,180.00	Callable 04/11/12, once
FEDERAL NATL MORTGAGE ASSN	08/05/10	08/05/15	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	1,997,940.00	(2,060.00)	Callable 08/05/11, once
FEDERAL NATL MORTGAGE ASSN	09/09/10	09/09/15	Aaa	AAA	1.850	1.871	2,000,000.00	1,999,288.89	1,978,620.00	(20,668.89)	Callable 09/09/11, once
FEDERAL NATL MORTGAGE ASSN	12/15/10	12/15/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,001,280.00	1,280.00	Callable 06/15/11, once
FEDERAL NATL MORTGAGE ASSN	09/21/10	09/21/15	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,012,430.00	12,430.00	
FEDERAL NATL MORTGAGE ASSN	12/10/10	10/26/15	Aaa	AAA	1.625	2.067	2,000,000.00	1,962,439.29	1,976,750.00	14,310.71	
FEDERAL NATL MORTGAGE ASSN	04/18/11	04/18/16	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,022,790.00	22,790.00	Callable 04/18/13, once
Subtotal, Federal Agencies							113,700,000.00	114,004,049.94	115,075,195.00	1,071,145.06	
CORPORATE/MEDIUM TERM NOTES											_
BERKSHIRE HATHAWAY FIN	12/15/10	12/15/15	Aa2	AA+	2.450	2.530	2,000,000.00	1,993,066.67	2,012,100.00	19,033.33	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	Aa2	AA+	2.250	2.250	2,000,000.00	2,000,000.00	1,960,540.00	(39,460.00)	
GENERAL ELECTRIC CAPITAL CORP	01/07/11	01/07/14	Aa2	AA+	2.100	2.100	2,000,000.00	2,000,000.00	2,021,400.00	21,400.00	
Subtotal, Corporate Securities						•	6,000,000.00	5,993,066.67	5,994,040.00	973.33	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	_	7.000	7.000	6,044,793.28	6,044,793.28	6,044,793.28	0.00	
Subtotal, SBA Note	3.71 1,00	33,00,20					6,044,793.28	6,044,793.28	6,044,793.28	0.00	
TOTALS							177,244,793.28	177,541,909.89	178,614,028.28	1,072,118.39	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.

Agenda	Item	Nο
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File Code No. 290.00



## CITY OF SANTA BARBARA

#### **COUNCIL AGENDA REPORT**

**AGENDA DATE:** May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** Fire Prevention Division, Fire Department

SUBJECT: Set A Date For Public Hearing Regarding Renewal Of Levy For

Fiscal Year 2012 For The Wildland Fire Suppression Assessment

#### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Continue Assessments for Fiscal Year 2012; and Establishing a Time of 2:00 P.M. on Tuesday, June 7, 2011, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment and Rescinding Resolution No. 11-025.

#### **DISCUSSION:**

On July 11, 2006, the City Council adopted Resolution 06-064 which declared the Council's intention to order expansion of vegetation road clearance, implementation of a defensible space inspection and assistance program, and implementation of a vegetation management program within the Foothill and Extreme Foothill Zones. The Resolution described the special benefit to be assessed and approved an Engineer's Report, confirmed the diagram and assessment, and ordered levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2007. As required by the Resolution, the Assessment must be renewed annually by the Council. The City has renewed the Wildland Fire Suppression Assessment for the past four years.

Assessment funds continue to reduce the risk and severity of wildland fires through the reduction of flammable vegetation. The assessment provides three primary services:

**Vegetation Road Clearance:** Each year, the assessment provides approximately 14 miles of road clearance in the Foothill and Extreme Foothill Zones. The frequency is such that most roads in the District are cleared of impeding vegetation every three years. Clearing vegetation from the roadways is required of property owners by law and allows for safer egress of residents and ingress of first responders during an emergency. This year we cleared 17 miles of roadway to benefit the District.

Council Agenda Report
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**Defensible Space Inspection and Assistance:** This element of the assessment provides assistance to property owners in creating defensible space around their homes. Defensible space is a key element in preventing the ignition of homes during a wildfire by reducing the exposure of the home to burning vegetation. Defensible space assistance will again involve scores of site visits to assist homeowners. In addition, the assessment provides chipping services to residents of the District after the vegetation has been cut. Chipping services provides a cost effective way for homeowners to dispose of cut material. The chipped vegetation may be reused as a ground cover in landscaping.

**Vegetation Management:** Vegetation Management is the selective removal of flammable vegetation in open land outside of property owner's defensible space. The goal is to lessen the severity of a fire, in the event that one occurs, by depriving the fire of a large amount of fuel. This is accomplished by preferentially removing exotic plants, thinning, pruning and limbing vegetation to remove fire ladders, limbing up the canopy and pruning out dead material. Vegetation management retains the overall look of wildland areas and minimizes impacts to natural resources while reducing the amount of flammable vegetation. Staff works with multiple property owners and contract crews to link individual parcels across large areas of adjacent land. The project areas are identified in the Wildland Fire Plan. Vegetation management was successfully completed on 20 acres this past year.

#### **ANNUAL LEVY:**

The Wildland Fire Assessment may be annually increased by the Consumer Price Index (CPI) in an amount not to exceed 4% per year. In adjusting for the Consumer Price Index, the allowable increase is calculated using the CPI from the past year plus any deferred increases from previous years. In the past two fiscal years the assessment was renewed with no increase. For Fiscal Year 2012 we propose an increase of 3.33%. This increase reflects 1.34% CPI for the current year plus 1.99% CPI deferred from previous years. The rate for Fiscal Year 2012 as suggested in the Engineer's Report will therefore be set at \$72.16 per single family home in the Foothill Zone and \$89.46 per single family home in the Extreme Foothill Zone. The total revenues from the assessment will be \$231,771

The Fiscal Year 2011 rates were \$69.83 and \$86.58, respectively, for a total assessment of \$221,484. The increase for Fiscal Year 2012 will allow us to continue to provide the same level of service in all three areas.

As required in Resolution 06-064, an updated Engineer's Report has been prepared and includes the proposed budget and assessment rate. The updated Engineer's Report must be considered by the City Council at a noticed public hearing and serves as the basis for the continuation of the assessments. The updated Engineer's Report is available for review at Fire Department Administration, 925 De La Vina Street and the City Clerk's Office at City Hall at 735 Anacapa Street.

Council Agenda Report
Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2012 For The
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On May 10, 2011, the City Council adopted Resolution No. 11-025 which set a public hearing date of May 24, 2011 for Council consideration of a resolution to levy the Fiscal Year 2012 Wildland Fire Suppression Assessment. Due to a problem with the public notice, staff recommends that the Council rescind Resolution No. 11-025 and set a new public hearing date of June 7, 2011.

#### **SUSTAINABILITY IMPACT:**

Vegetation removed through vegetation road clearance and the defensible space chipping assistance program is chipped and spread back on to the ground or in areas of local parks where feasible. The goal is reuse at least 80% of all chipped material locally avoiding the cost of disposal fees, extra vehicle trips and landfill use. Non-native pest plants are not chipped, but rather hauled off-site to be disposed of properly.

**PREPARED BY:** Joe Poiré, Fire Marshal

**SUBMITTED BY:** Andrew DiMizio, Fire Chief

**APPROVED BY:** City Administrator's Office



## **PRELIMINARY ENGINEER'S REPORT**

May 2011

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50078 ET SEQ., AND ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION

**ENGINEER OF WORK:** 

**SCI**ConsultingGroup

4745 Mangels Boulevard Fairfield, California 94534 Phone 707.430.4300 Fax 707.430.4319 www.sci-cg.com

## CITY OF SANTA BARBARA

#### **CITY COUNCIL**

Helene Schneider, Mayor Bendy White, Councilmember Dale Francisco, Councilmember Frank Hotchkiss, Councilmember Grant House, Councilmember Randy Rowse, Councilmember Michael Self, Councilmember

#### FIRE PREVENTION BUREAU

Andy DiMizio, Fire Chief Joe Poire, Fire Marshal Amber Anderson, Fire Services Specialist

#### CITY ATTORNEY'S OFFICE

Stephen P. Wiley, City Attorney Sarah Knecht, Assistant City Attorney

#### **ENGINEER OF WORK**

**SCI Consulting Group** 



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The City of Santa Barbara is located about 100 miles northwest of Los Angeles, largely on the slopes between the Pacific Ocean and the Santa Ynez Mountains. The City of Santa Barbara provides fire services throughout the City limits. Fire services include fire suppression, protection, prevention, evacuation planning, and education.

Due to topography, location, climate and infrastructure, the Santa Barbara community has a relatively high inherent risk of wildland fires. Listed below are some of the major wildland fires that have occurred in Santa Barbara County since 1970:

FIGURE 1 – WILDLAND FIRE HISTORY IN SANTA BARBARA COUNTY

Year	Fire Name	Acres	Homes Lost
1971	Romero Canyon Fire	14,538	4
1977	Sycamore Canyon Fire	805	234
1977	Hondo Canyon Fire	10,000	0
1979	Eagle Canyon Fire	4,530	5
1990	Painted Cave Fire	4,900	524
1993	Marre Fire	43,864	0
2002	Sudden Fire	7,160	0
2004	Gaviota Fire	7,440	1
2008	Tea Fire	>2,000	<b>≈</b> 210
2009	Jesusita Fire	8,733	80

In response to the considerable wildland fire risk in the area, the City of Santa Barbara Fire Department prepared a Wildland Fire Plan in January, 2004, in which it identified four High Fire Hazard Zones: The Coastal Zone, the Coastal Interior Zone, the Foothill Zone, and the Extreme Foothill Zone. The two Zones with the highest wildland fire risk are the Foothill and Extreme Foothill Zones (the "Zones"), and these are the Zones that are included in this assessment.

These Zones are at a high risk of wildland fires due to the following factors:

- Climate. The climate consists of cool, moist winters and hot, dry summers. The low humidity and high summer temperatures increase the likelihood that a spark will ignite a fire in the area, and that the fire will spread rapidly.
- Topography. Periodic wind conditions known as "Sundowner" and "Santa Ana" winds interact with the steep slopes in the Santa Ynez Mountains and the ocean



- influence, resulting in an increase in the speed of the wind to severe levels. These two types of wind conditions increase the likelihood that fires will advance downslope towards the Foothill and Extreme Foothill Zones. In addition, these winds can greatly increase the rate at which a fire will spread.
- Chaparral. Much of the undeveloped landscape is covered with chaparral. Chaparral sheds woody, dead, and organic materials rich in flammable oils, which accumulate over time. Areas covered with chaparral typically experience wildland fires which burn the accumulated plant materials, and renew the chaparral for its next cycle of growth. Therefore, areas of chaparral which are not thinned, and from which the dead plant materials are not removed or burned off in prescribed fires, provide ample opportunities for wildland fires to occur and to spread.
- Road Systems. Many of the roads in the Foothill and Extreme Foothill Zones do not meet current Fire Department access and vegetation road clearance standards, and many are made even more narrow due to the encroachment of vegetation. A number of the bridges have weight requirements that are below Fire Department weight standards. In addition, many driveways are long and steep, posing a safety hazard. All of these factors make it more difficult and more hazardous for the Fire Department to provide fire suppression services in these areas.
- Water Supply. In the Extreme Foothill Zone, the City water supply is limited in some areas, and not available in others. These factors increase the risks associated with fires, due to the reduced availability of water to fight any fires that occur.
- Fire Response Time. Much of the Extreme Foothill Zone, and some of the Foothill Zone, is outside the City's 4 minute Fire Department response time. As a result, fires in these areas may have more time to spread and to increase in severity before fire suppression equipment can reach them.
- Proximity to the Los Padres National Forest. The Los Padres National Forest (LPNF) is a large forest to the north of the Foothill and Extreme Foothill zones. The LPNF provides a great deal of potential fuel for any wildland fire in the area. Wildland fires that start in the LPNF have the potential to move south toward the Foothill and Extreme Foothill zones.

This Engineer's Report (the "Report") was prepared to: 1) contain the information required by Government Code Section 50078.4, including a) a description of each lot or parcel of property to be subject to the assessment, b) the amount of the assessment for each lot or parcel for the initial fiscal year, c) the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year, d) the duration of the assessment, e) the basis of the assessment, f) the schedule of the assessment, and g) a description



specifying the requirements for protest and hearing procedures for the assessment pursuant to Section 50078.6; 2) establish a budget to provide services to reduce the severity and damage from wildland fires (the "Services") that will be funded by the 2011-12 assessments; 3) determine the benefits received from the Services by property within the City of Santa Barbara Wildland Fire Suppression Assessment District (the "Assessment District") and; 4) assign a method of assessment apportionment to lots and parcels within the Assessment District. This Report and the assessments have been made pursuant to the California Government Code Section 50078 et. seq. (the "Code") and Article XIIID of the California Constitution (the "Article").

In Fiscal Year 2006-07, the City of Santa Barbara City Council (the "Council") by Resolution called for an assessment ballot proceeding and public hearing on the then-proposed establishment of a wildland fire suppression assessment.

On May 5, 2006 a notice of assessment and assessment ballot was mailed to property owners within the proposed Assessment District boundaries. Such notice included a description of the Services to be funded by the proposed assessments, a proposed assessment amount for each parcel owned, and an explanation of the method of voting on the assessments. Each notice also included a postage prepaid ballot on which the property owner could mark his or her approval or disapproval of the proposed assessments as well as affix his or her signature.

After the ballots were mailed to property owners in the Assessment District, the required minimum 45 day time period was provided for the return of the assessment ballots. Following this 45 day time period, a public hearing was held on June 20, 2006 for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the public had the opportunity to speak on the issue. After the conclusion of the public input portion of the hearing, the hearing was continued to July 11, 2006 to allow time for the tabulation of ballots.

With the passage of Proposition 218 on November 6, 1996, The Right to Vote on Taxes Act, now Article XIIIC and XIIID of the California Constitution, the proposed assessments could be levied for fiscal year 2006-07, and continued in future years, only if the ballots submitted in favor of the assessments were greater than the ballots submitted in opposition to the assessments. (Each ballot is weighted by the amount of proposed assessment for the property that it represents).

After the conclusion of the public input portion of the Public Hearing held on June 20, 2006, all valid received ballots were tabulated by the City of Santa Barbara Clerk. At the



continued public hearing on July 11, 2006, after the ballots were tabulated, it was determined that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted).

As a result, the Council gained the authority to approve the levy of the assessments for fiscal year 2006-07 and future years. The Council took action, by a Resolution passed on July 31, 2006, to approve the first year levy of the assessments for fiscal year 2006-07.

The authority granted by the ballot proceeding was for a maximum assessment rate of \$65.00 per single family home, increased each subsequent year by the Los Angeles Area Consumer Price Index (CPI) not to exceed 4% per year. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

In each subsequent year for which the assessments will be continued, the Council must preliminarily approve at a public meeting a budget for the upcoming fiscal year's costs and services, an updated annual Engineer's Report, and an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal year. A new Engineer's Report is prepared each year in order to establish the CPI adjustment for that year; the new maximum authorized assessment rate for that year; the budget for that year; and the amount to be charged to each parcel in the District that year, subject to that year's assessment rate and any changes in the attributes of the properties in the District, including but not limited to use changes, parcel subdivisions, and/or parcel consolidations. At this meeting, the Council will also call for the publication in a local newspaper of a legal notice of the intent to continue the assessments for the next fiscal year and set the date for the noticed public hearing. At the annual public hearing, members of the public can provide input to the Council prior to the Council's decision on continuing the services and assessments for the next fiscal year.

If the assessments are so confirmed and approved, the levies will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2011-12. The levy and collection of the assessments will continue year-to-year until terminated by the City Council.

If the City Council approves this Engineer's Report for fiscal year 2011-12 and the assessments by Resolution, a notice of assessment levies must be published in a local



paper at least 10 days prior to the date of the public hearing. Following the minimum 10-day time period after publishing the notice, a public hearing will be held for the purpose of allowing public testimony about the proposed continuation of the assessments for fiscal year 2011-12.

At this hearing, the Council will consider approval of a resolution confirming the assessments for fiscal year 2011-12. If so confirmed and approved, the assessments will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2011-12.

The Assessment District is narrowly drawn to include only properties that benefit from the additional fire protection services that are provided by the assessment funds. The Assessment Diagram included in this report shows the boundaries of the Assessment District.

In 2008 per California Public Resource Code 4201-4204 and Government Code 51175 - 89, the Office of the State Fire Marshal (OSFM) completed an analysis to identify Local Responsibility Area areas of Very High Fire Hazard Severity Zones (VHFHSZ) within the City of Santa Barbara. Discussions between OSFM and the City of Santa Barbara Fire Department were concluded in 2010. As a result additional parcels have been added to the 2004 City of Santa Barbara high fire hazard area, Foothill Zone. These additional parcels are not included in the Wildland Fire Suppression Assessment District at this time, and wildland fire suppression services provided to these parcels are not funded from this assessment.

#### Proposition 218

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIIC and XIIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements were satisfied by the process used to establish this assessment.



#### SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment District

This Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIIC and XIIID of the California Constitution because the Services to be funded are clearly defined; the Services are available to all benefiting property in the Assessment District, the benefiting property in the Assessment District will directly and tangibly benefit from improved protection from fire damage, increased safety of property and other special benefits and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

#### DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the Court of Appeal for the Second District of California amended its original opinion upholding a benefit assessment district for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review and the court's decision in Dahms became binding precedent for assessments. In Dahms, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally.

#### BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that



the assessments had been apportioned to assessed property based on in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

#### BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

#### COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIIIC and XIIID of the California Constitution and with the SVTA decision because the Services to be funded are clearly defined; the Services are available to and will be directly provided to all benefiting property in the Assessment District; and the Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with Dahms because, similar to the Downtown Pomona assessment validated in Dahms, the Services will be directly provided to property in the Assessment District. Moreover, while Dahms could be used as the basis for a finding of 0% general benefits, this Engineer's Report establishes a more conservative measure of general benefits.

The Engineer's Report is consistent with Bonander because the Assessments have been apportioned based on the overall cost of the Services and proportional special benefit to each property. Finally, the Assessments are consistent with Buetz because the general benefits have been explicitly calculated and quantified and excluded from the Assessments.

The City of Santa Barbara Fire Department provides a range of fire protection, prevention, and educational services to the City and its residents.

The following is a description of the wildland fire suppression Services that are provided for the benefit of property within the Assessment District. Prior to the passage of the assessment in 2006, the baseline level of service was below the standard described in the City's 2004 Wildland Fire Plan. Due to inadequate funding, the level of service continued to diminish and would have diminished further had this assessment not been instituted. With the passage of this assessment, the services were enhanced significantly. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre 2006) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

Final Level of Service = Baseline level of Service (pre-2006)

+
Enhanced Level of Service

The services (the "Services") undertaken by the Santa Barbara Fire Department and the cost thereof paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. In addition to the definitions provided by the California Government Code Section 50078 et. seq., (the "Code") the Services are generally described as follows:

- Expansion of the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones. This program reduces fuel, enhance evacuation routes, and decrease fire response times
- Implementation of a defensible space and fire prevention inspection and chipping assistance program for all properties in the Foothill and Extreme Foothill Zones
- Implementation of a vegetation management program in the Foothill and Extreme Foothill Zones

As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road



Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04).

"Defensible space" is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Chapter 49 of the California Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04).

"Vegetation management" means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety.

FIGURE 2 - COST AND BUDGET

CITY OF SANTA BARBARA	
Wildland Fire Suppression Assessment	
Estimate of Costs	
Fiscal Year 2011-12	Total
	Total Budget
Services Costs	
Evacuation Planning - Evacuation Roadway Clearing	
Staffing	\$40,000
Materials	\$2,000
Project Costs	\$40,000
Defensible Space	
Staff	\$43,000
Materials	\$4,000
Chipping Program	\$30,821
Vegetation Management	
Staffing	\$40,000
Project	\$43,000
Totals for Installation, Maintenance and Servicing	\$242,821
Less: District Contribution for General Benefits	(\$19,275)
Net Cost of Installation, Maintenance and Servicing to Assessment District	\$223,546
Incidental Costs:	
District Administration and Project Management	\$5,000
Allowance for County Collection	\$3,225
Subtotals - Incidentals	\$8,225
To the Property of the Control of Property District Distr	<b>\$204.774</b>
Total Wildland Fire Suppression District Budget (Net Amount to be Assessed)	\$231,771
(Net Allount to be Assessed)	
Assessment District Budget Allocation to Parcels	4001 ==1
Total Assessment Budget	\$231,771
Single Family Equivalent Benefit Units in District	3,212
Assessment per Single Family Equivalent Unit (SFE)	\$ 72.16

#### METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits derived from the Services, the criteria for the expenditure of assessment funds and the methodology used to apportion the total assessments to properties within the Assessment District.

The Assessment District area consists of all Assessor Parcels within the Foothill and Extreme Foothill zones of the High Fire Hazard Area as defined by the 2004 Wildland Fire Plan. The method used for apportioning the assessment is based upon the proportional special benefits from the Services derived by the properties in the assessment area over and above general benefits conferred on real property or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

- 1.) Identification of all benefit factors derived from the Improvements
- 2.) Calculation of the proportion of these benefits that are general
- 3.) Determination of the relative special benefit within different areas within the Assessment District
- 4.) Determination of the relative special benefit per property type
- 5.) Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

#### DISCUSSION OF BENEFIT

California Government Code Section 50078 et. seq. allows agencies which provide fire suppression services, such as the Santa Barbara Fire Department, to levy assessments for fire suppression services. Section 50078 states the following:

"Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article."

In addition, California Government Code Section 50078.1 defines the term "fire suppression" as follows:

"(c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard."

Therefore, the Services provided by the Assessment District fall within the scope of services that may be funded by assessments under the Code.



The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's specific use of the Services or a property owner's specific demographic status. With reference to the requirements for assessments, Section 50078.5 of the California Government Code states:

"(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit."

"The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used."

Proposition 218, as codified in Article XIIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIIIA of the California Constitution.

The following section describes how and why the Services specially benefit properties. This benefit is particular and distinct from its effect on property in general or the public at large.

#### **BENEFIT FACTORS**

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the Services that is provided to property in the Assessment District. These benefit factors confer a direct advantage to the assessed properties; otherwise they would be general benefit.

The following benefit categories have been established that represent the types of special benefit conferred to residential, commercial, industrial, institutional and other lots and parcels resulting from the services to reduce the severity and damage from wildland fires that are provided in the Assessment District. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies, which



describe the types of special benefit received by property from the Services of the Assessment District. These types of special benefit are summarized as follows:

 Increased safety and protection of real property assets for all property owners within the Assessment District.

As summarized previously, properties in the Assessment District are currently at higher risk for wildland fires. Uncontrolled fires would have a devastating impact on all properties within the Assessment District. The assessments fund an increase in services to mitigate the wildland fire threat, and thereby can significantly reduce the risk of property damage associated with fires. Clearly, fire mitigation helps to protect and specifically benefits both improved properties and vacant properties in the Assessment District.

"Fire is the largest single cause of property loss in the United States. In the last decade, fires have caused direct losses of more than \$120 billion and countless billions more in related cost."

"Over 140,000 wildfires occurred on average each year, burning a total of almost 14.5 million acres. And since 1990, over 900 homes have been destroyed each year by wildfires."<sup>2</sup>

"A wildfire sees your home as just another fuel source. The survivable space you construct around your home will keep all but the most ferocious wildfires at bay." 3

"A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service."

"The strategies and techniques to address fire risks in structures are known. When implemented, these means have proven effective in the reduction of losses." 5

"Statistical data on insurance losses bears out the relationship between excellent fire protection...and low fire losses." 6

 Protection of views, scenery and other resource values, for property in the Assessment District

The Assessment District provides funding for the mitigation of the wildland fire threat to protect public and private resources in the Assessment District. This



benefits even those properties that are not directly damaged by fire by maintaining and improving the aesthetics and attractiveness of public and private resources in the community, as well as ensuring that such resources remain safe and well maintained.

"Intensely burned forests are rarely considered scenic." 7

"Smoke affects people...for example; in producing haze that degrades the visual quality of a sunny day...The other visual quality effect is that of the fire on the landscape. To many people, burned landscapes are not attractive and detract from the aesthetic values of an area."

"A visually preferred landscape can be the natural outcome of fuels treatments."9

## Enhanced utility and desirability of the properties in the Assessment District.

The assessments funds Services to reduce the severity and damage from wildland fires in the Assessment District. Such Services enhance the overall utility and desirability of the properties in the Assessment District.

"Residential satisfaction surveys have found that having nature near one's home is extremely important in where people choose to live...This is especially true at the wildland-urban interface where some of the most serious fuels management must occur."

"People are coming to the [Bitterroot] valley in part because of its natural beauty which contributes to the quality of life that so many newcomers are seeking." 11

#### BENEFIT FINDING

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from increased safety and protection of real property, increased protection of scenery and views, and enhanced utility of properties in the Assessment District. These are special benefits to property in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of property and make them more functional to use, safer and easier to access.



#### GENERAL VERSUS SPECIAL BENEFIT

Article XIIIC of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to "separate the general benefits from the special benefits conferred on a parcel." The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

#### **Total Benefit = Total General Benefit + Total Special Benefit**

There is no widely-accepted or statutory formula for general benefit. General benefits are benefits from improvements or services that are not special in nature, are not "particular and distinct" and are not "over and above" benefits received by other properties. SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide "an indirect, derivative advantage" and are not necessarily proximate to the improvements.

In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

The starting point for evaluating general and special benefits is the pre 2006 baseline level of service, had the assessment not been approved by the community. The assessment will fund Services "over and above" this general, baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

General Benefit =

Benefit to Real Property Outside the Assessment District +

Benefit to Real Property Inside the Assessment District that is Indirect and Derivative +

Benefit to the Public at Large

Special benefit, on the other hand, is defined in the state constitution as "a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large." The SVTA v. SCCOSA decision indicates that a special benefit is conferred to a property if it "receives a direct advantage from the improvement (e.g., proximity to a park)." In this assessment, as noted, the improved Services are available when needed to all properties in the Assessment District, so the overwhelming proportion of the benefits conferred to property is special, and are only minimally received by property outside the Assessment District or the public at large.



Proposition 218 twice uses the phrase "over and above" general benefits in describing special benefit. (Art. XIIID, sections 2(i) & 4(f).) Arguably, all of the Services being funded by the assessment would be a special benefit because the Services particularly and distinctly benefit the properties in the Assessment District over and above the baseline benefits.

Nevertheless, arguably some of the Services benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

(In the 2009 *Dahms* case, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally. Similarly, the Assessments described in this Engineer's Report fund wildland fire services directly and only to the assessed parcels located within the assessment area. Moreover, every property within the Assessment District will receive the Services. While the *Dahms* decision would permit an assessment based on 100% special benefit and zero or minimal general benefits, in this report, the general benefit is estimated and described and budgeted so that it is funded by sources other than the Assessment.)

#### **CALCULATING GENERAL BENEFIT**

This section provides a measure of the general benefits from the assessments

#### BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services will be provided solely in the Assessment District boundaries. Properties proximate to, but outside of, the boundaries of the Assessment District receive some benefit from the Services due to some degree of indirectly reduced fire risk to their property. These parcels that are proximate to the boundaries of the Assessment District are estimated to receive less than 50% of the benefits relative to parcels within the Assessment District because they do not directly receive the improved fire protection resulting from the Services funded by the Assessments.

At the time the Assessment District was formed, there were approximately 550 of these "proximate" properties.



#### CRITERIA:

550 PARCELS OUTSIDE THE DISTRICT BUT PROXIMATE TO THE DISTRICT BOUNDARIES
3550 PARCELS IN THE ASSESSMENT DISTRICT
50% RELATIVE BENEFIT COMPARED TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

#### **CALCULATION**

GENERAL BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT = (550/(550+3,550))\*.5 =6.7%

Although it can reasonably be argued that properties protected inside, but near the Assessment District boundaries are offset by similar fire protection provided outside, but near the Assessment District's boundaries, we use the more conservative approach of finding that 6.7% of the Services may be of general benefit to property outside the Assessment District.

#### BENEFIT TO PROPERTY INSIDE THE DISTRICT THAT IS INDIRECT AND DERIVATIVE

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Services are clearly "over and above" and "particular and distinct" when compared with the pre-2006 baseline level of Services, had the assessment district not passed.

In determining the Assessment District boundaries, the District has been careful to limit it to an area of parcels that will directly receive the benefit of the improved Services. All parcels will directly benefit from the use of the improved Services throughout the Assessment District in order to achieve the desired level of wildland fire suppression and protection throughout the Assessment District. Fire protection and suppression will be provided as needed throughout the area.

The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment District is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. This concept is particularly applicable in situations involving a landowner-approved assessment-funded extension of a local government service to benefit lands previously not receiving that particular service. The Fire Department therefore concludes that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment



District are special benefits and it is not possible or appropriate to separate any general benefits from the benefits conferred on parcels in the Assessment District.

#### BENEFIT TO THE PUBLIC AT LARGE

With the type and scope of Services provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small. Nevertheless, there may be some indirect general benefit to the public at large.

The public at large uses the public highways and other regional facilities when traveling in and through the Assessment District and they may benefit from the services without contributing to the assessment. Although the protection of this critical infrastructure is certainly a benefit to all the property within the Assessment District, it is arguably "indirect and derivative" and possibly benefits people rather than property. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, and regional facilities within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that less than 1.0% of the land area in the Assessment District is covered by highways and regional facilities. This 1.0% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment District

#### SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment Area, we find that approximately 7.7% of the benefits conferred by the Assessment District may be general in nature and should be funded by sources other than the assessment.

GENERAL BENEFIT =

6.7 % (OUTSIDE THE ASSESSMENT DISTRICT)

- + 0.0 % (Inside the district INDIRECT and derivative)
- + 1.0 % (PUBLIC AT LARGE)
- = 7.7 % (TOTAL GENERAL BENEFIT)

The Assessment District's total budget for 2011-12 is \$231,771. The Assessment District must obtain funding from sources other than the assessment in the amount of approximately \$17,846 (\$231,771\*7.7%) to pay for the cost of the general benefits. This is



because the assessments levied by the Fire Department may not exceed the special benefits provided by the Services, and the Assessment Engineer concluded that 7.7% of the cost of Services provide a general benefit to properties outside the Assessment District, For Fiscal Year 2011-12, the City will contribute at least \$17,846, or 7.7% of the total Assessment District budget, to the Assessment District from sources other than this assessment. This contribution constitutes more than the 7.7% general benefits estimated by the Assessment Engineer.

#### **Z**ONES OF BENEFIT

Initially, the Fire Department evaluated the geographic area within and around the City limits (including the City of Santa Barbara, Santa Barbara County, Montecito and National Forest lands) based upon three fire hazard risk variables: vegetation (fuel), topography and weather. This analysis was used to narrowly determine the boundaries of the "high fire hazard area." Further, zones were narrowly drawn within the high fire hazard area and graded "extreme," "high," "moderate" or "low". Next, the Fire Department evaluated the roof type, proximity of structures, road systems, water supply, fire response times and historic fire starts within the high fire hazard area and developed 4 specific zones:

- Extreme Foothill Zone
- Foothill Zone
- Coastal Zone
- Coastal Interior Zone

These zones were used to apply appropriate policies and actions based upon hazard and risk. The results of this analysis were tabulated and presented in Tables 2 through 4 in the 2004 Wildland Fire Plan.

Accordingly, "Zones of Benefit" corresponding to the fire risk zones are used to equitably assign special benefit, and are used for the basis of the "Fire Risk Factors" discussed below. Each zone was narrowly drawn, and has been given a score, based upon the evaluated risk criteria, as shown in Table 4. (The assessment provides Services in the Extreme Foothill Zone and the Foothill Zone only.)

FIGURE 3 - RELATIVE HAZARD/RISK SCORING FOR HIGH FIRE HAZARD AREA ZONES

Hazard/Risk Attribute	Extreme Foothill Zone	Foothill Zone	Coastal Zone	Coastal Interior Zone
Combined Hazard Assessment - vegetation (fuel), topography, weather*	40	30	20	10
Roof Type**	1	2	2	3
Proximity	1	3	1	3
Road	3	3	1	1
Water	3	1	1	1
Response	3	2	2	2
Ignitions	1	1	1	1
Total Score	52	42	28	21

<sup>\*</sup> The Hazard Assessment element of this analysis is the most significant. Scores have been "weighted" by a factor of 10.

Table 4 shows the numeric scoring system used to develop the relative total scores.

FIGURE 4 - SCORING SYSTEM

Qualititative Score	Numeric Score
Very High	4
High	3
Moderate	2
Low	1

The total relative scores for each zone are tabulated and normalized, based up the Foothill Zone, and shown in Table 5.

FIGURE 5 - WILDLAND FIRE RISK FACTORS

Zone	Raw Score	Wildland Fire Risk Factor
Extreme Foothill Zone	52	1.24
Foothill Zone	42	1.00
Coastal Zone**	28	0.67
Coastal Interior Zone**	21	0.50

<sup>\*\*</sup>Coastal Zone and Coastal Interior Zone are included in this analysis for clarity; however these zones are not included in the Assessment District.



<sup>\*\*</sup> In the Extreme Foothill Zone fire retardant roofing materials are more prevalent, resulting in lower risk in this area.

### **ASSESSMENT APPORTIONMENT**

In the process of determining the appropriate method of assessment, the Assessment Engineer considered various alternatives. For example, an assessment only for all residential improved property was considered but was determined to be inappropriate because vacant, commercial, industrial and other properties also receive special benefits from the assessments.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger commercial/industrial properties and residential properties with multiple dwelling units receive a higher degree of benefit than other similarly used properties that are significantly smaller. For two properties used for commercial purposes, there clearly is a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that benefit from reduced wildland fire risk. This benefit ultimately flows to the property. Larger parcels, therefore, receive an increased benefit from the assessments.

The Assessment Engineer determined that the appropriate method of assessment should be based on the type of property, the relative size of the property and the potential use of property by residents and employees. This method is further described below.

#### METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel of one acre or less in the Foothill Zone (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single family home on one parcel.

The relative benefit to properties from fire related Services is:

### **EQUATION 1 – RELATIVE BENEFIT TO PROPERTIES**

Benefit  $\approx \Sigma$  (Fire Risk Factors) \*  $\Sigma$  (Structure Value Factors)



That is, the benefit conferred to property is the "sum" the risk factors multiplied by the "sum" of the structure values factors.

#### FIRE RISK FACTORS

Typical fire assessments (non-wildland) are evaluated based upon the fire risk of a certain property type. These evaluations consider factors such as use of structure (e.g. used for cooking), type of structure (centralized heating), etc.

Wildland fires, on the other hand, are initiated largely from external ignitions and are far less affected by structural, mechanical and electrical systems inherent to the building (except roof type). The principle Wildland fire risk factors are:

- Vegetation (fuel)
- Topography
- Weather
- Roof type
- Proximity of Structure
- Road Systems
- Water Supply
- Response
- Ignitions

These factors were fully evaluated in the 2004 Wildland Fire Plan and are manifested in the relative zone scores as shown in Tables 3, 4 and 5, above. Hence, the Fire Risk Factor for all properties within the Foothill Zone is 1.00 and the Fire Risk Factor for all properties in the Extreme Foothill Zone is 1.24.

## STRUCTURE VALUE FACTORS

The relative value of different property types was evaluated within the high fire hazard area to determine the Structure Value Factor according to the following formula:

### **EQUATION 2 - STRUCTURE VALUE FACTORS**

Σ (Structure Value Factors) 

(Structure Weighting Factor \* Average Improved Value)

(Land Weighting Factor \* Average Total Value)

(Unity Density Factor)

Where:



- "Structure Weight Factor" = 10 to "weight" relative importance of structure over land.
- "Average Improved Value" is average of value of all improvements (e.g. structures), per property type, as provide by County Assessor records.
- Land Weighting Factor = 1
- "Average Total Value" is average of value of all land + improvements (e.g. structures), per property type, as provide by County Assessor records. County assessor land values were not used directly because experience has shown total values to be more comprehensive.
- Unit Density Factor corresponds values with units (i.e. "per residential unit" or "per acre") based upon effective density of structure on parcel.

Table 6 below is a tabulation of the Structure values for each property type as defined by Equation 2, above.

FIGURE 6 – STRUCTURE VALUE FACTORS

Property Type	Structure Value Factor	Unit
Single Family	1.0000	per each*
Multi-Family	0.3683	per res. unit
Commercial/Industrial	0.8187	per acre
Office	0.7058	per acre
Institutional	0.3841	per each
Storage	0.0952	per acre
Agricultural	0.0809	per acre
RangeLand	0.0181	per acre
Vacant	0.0324	per each

<sup>\*</sup>for homes on an acre or less. For homes on more than one acre, the Structure Value Factor is increased by 0.0809 per acre

### RESIDENTIAL PROPERTIES

All improved residential properties with a single residential dwelling unit on one acre or less are assigned one Single Family Equivalent or 1.0 SFE in the Foothill Zone. In the Extreme Foothill Zone, all improved residential properties on one acre or less are assessed 1.24 SFEs (See Table 5). Residential properties on parcels that are larger than 1 acre receive additional benefit and are assigned additional SFEs on a "per acre" basis. Detached or attached houses, zero-lot line houses and town homes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the Services in proportion to the number of



dwelling units that occupy each property. The relative benefit for multi-family properties was determined as per Equation 1 to be 0.3683 SFEs per residential unit in the Foothill Zone and 0.4567 per residential unit in the Extreme Foothill Zone. This rate applies to condominiums as well.

## COMMERCIAL/INDUSTRIAL & OFFICE PROPERTIES

Commercial and industrial properties are assigned benefit units per acre, since there is a relationship between parcel size, structure size and relative benefits. The relative benefit for commercial and industrial properties was determined as per Equation 1 to be 0.8187 SFEs per acre in the Foothill Zone and 1.0151 per acre in the Extreme Foothill Zone. The relative benefit for office properties was determined as per Equation 1 to be 0.7058 SFEs per acre in the Foothill Zone and 0.8751 per acre in the Extreme Foothill Zone.

## VACANT/UNDEVELOPED, OPEN SPACE AND AGRICULTURAL PROPERTIES

The relative benefit for vacant properties was determined as per Equation 1 to be 0.0324 SFEs per parcel in the Foothill Zone and 0.04012 per parcel in the Extreme Foothill Zone. Open space and agricultural land have minimal improvements and few, if any; structures that require defensible space, and are assigned benefit "per acre." The relative benefit for open space properties was determined as per Equation 1 to be 0.0181 SFEs per acre in the Foothill Zone and 0.0224 per acre in the Extreme Foothill Zone. The relative benefit for agricultural properties was determined as per Equation 1 to be 0.0809 SFEs per acre in the Foothill Zone and 0.1002 per acre in the Extreme Foothill Zone.

### OTHER PROPERTIES

Institutional properties such as publicly owned properties (and are used as such), for example, churches, are assessed at 0.3841 per parcel in the Foothill zone and 0.4762 per Parcel in the Extreme Foothill zone. The relative benefit for storage properties was determined as per Equation 1 to be 0.0952 SFEs per acre in the Foothill Zone and 0.1180 per acre in the Extreme Foothill Zone.

Article XIIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

All public properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.



#### SUMMARY OF BENEFITS FOR EACH PROPERTY TYPE

Table 5 summarizes the relative benefit for each property type.

FIGURE 7 - RELATIVE BENEFIT FACTORS FOR FOOTHILL AND EXTREME FOOTHILL ZONES

	Foothill Zone		Extreme Foothill Zone	
Property Type	Benefit Factors (SFEs)	Unit	Benefit Factors (SFEs)	Unit
Single Family	1.0000	per each	1.2400	per each
Multi-Family	0.3683	per unit	0.4567	per unit
Commercial/Industrial	0.8187	per acre	1.0152	per acre
Office	0.7058	per acre	0.8752	per acre
Institutional	0.3841	per each	0.4763	per each
Storage	0.0952	per acre	0.1181	per acre
Agricultural	0.0809	per acre	0.1003	per acre
RangeLand	0.0181	per acre	0.0225	per acre
Vacant	0.0324	per each	0.0402	per each

#### APPEALS OF ASSESSMENTS LEVIED TO PROPERTY

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the Fire Chief of the City of Santa Barbara Fire Department or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the Chief or his or her designee will promptly review the appeal and any information provided by the property owner. If the Chief or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Chief or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Chief or his or her designee shall be referred to the City Council and the decision of the Council shall be final.

#### ADDITIONAL BACKGROUND ON RELATIVE BENEFIT

In essence, when property owners are deciding how to cast their ballot for a proposed assessment, each property owner must weigh the perceived value of the Services proposed to them and their property with the proposed cost of the assessment to their property. If property owners of a certain type of property are either opposed or in support

of the assessment in much greater percentages than owners of other property types, this is an indication that, as a group, these property owners perceive that the proposed assessment has relatively higher or lower "utility" or value to their property relative to owners of other property types. One can also infer from these hypothetical ballot results, that the apportionment of benefit (and assessments) was too high or too low for that property type. In other words, property owners, by their balloting, ultimately indicate if they perceive the special benefits to their property to exceed the cost of the assessment, and, as a group, whether the determined level of benefit and proposed assessment (the benefit apportionment made by the Assessment Engineer) is consistent with the level of benefits perceived by the owners of their type of property relative to the owners of other types of property.

### **DURATION OF THE ASSESSMENT**

The duration of the assessment is one year, and may be renewed each year by a vote of the City Council. The assessment cannot be increased in future years without approval from property owners in another assessment ballot proceeding, except for an annual adjustment tied to the change in the Los Angeles-Riverside-Orange County Area Consumer Price Index, not to exceed 4% per year.

#### CRITERIA AND POLICIES

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Council may adopt additional criteria to further clarify certain criteria or policies established in this Report or to establish additional criteria or policies that do not conflict with this Report.

Assessment Funds Must Be Expended Within the Foothill and Extreme Foothill Zones. The net available assessment funds, after incidental, administrative, financing and other costs, shall be expended exclusively for Services within the boundaries of the Assessment District, namely, the Foothill and Extreme Foothill Zones.

#### **EXISTING GENERAL FUNDS**

Prior to formation, Wildland Fire Services were funded with approximately \$200,000 from the City of Santa Barbara general fund. The intent of the program is that this general fund revenue will be maintained by the City to the extend feasible and the assessment will augment the current funding and services. Further, a portion of the general fund revenue



is needed to pay for any and all general benefits from the wildland fire Services, as described above.



WHEREAS, the City Council of the City of Santa Barbara is proceeding with the proposed levy of assessments under California Government Code sections 50078 et seq. (the "Code") and Article XIIID of the California Constitution (the "Article");;

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Services upon all assessable parcels within the Assessment District;

**NOW**, **THEREFORE**, the undersigned, by virtue of the power vested in me under said Code and Article and the order of the Council of said City, hereby make the following assessment to cover the portion of the estimated cost of said Services, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said Services and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2011-12 is generally as follows:

#### SUMMARY COST ESTIMATE

SUIVIIVIART COST ESTIIVIATE	FY 2011-12 Budget
Evacuation Planning – Evacuation Roadway Clearing	\$ 82,000
Defensible Space	\$ 77,821
Vegetation Management	\$ 83,000
Total for Installation, Maintenance and Servicing	\$ 242,821
Less: Contribution for General Benefits	(\$ 19,275)
Incidental Costs: Administration and Project Management Allowance for County collection Subtotal – Incidentals	\$ 5,000 \$ 3,225 \$ 8,225
Total Wildland Fire Suppression Assessment District Budget	\$ 231,771



An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Assessment District. The distinctive number of each parcel or lot of land in said Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion said net amount of the cost and expenses of said Services, including the costs and expenses incident thereto, upon the parcels and lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the Los Angeles-Riverside-Orange County Area as of January of each succeeding year, with the maximum annual adjustment not to exceed 4%.

In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 4% or the yearly CPI change plus any CPI change in previous years that was in excess of 4%, the maximum authorized assessment shall increase by this amount. In such event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 4% can be used in a future year when the CPI adjustment is below 4%. For 2011-12, the allowable CPI increase is 3.33% which includes 1.99% CPI deferred from previous years plus 1.34% CPI for 2011-12.

Hence, the proposed rates for 2011-12 will increase by 3.33% from the 2010-11 rates - from \$69.83 to \$72.16 per single family home in the Foothill Zone and from \$86.58 to \$89.46 per single family home in the Extreme Foothill Zone. The total revenue derived from the assessment is \$231,771 for 2011-12.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the City of Santa Barbara for the fiscal year 2011-12. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Santa Barbara County.



I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2011-12 for each parcel or lot of land within the said Assessment District.

Engineer of Work

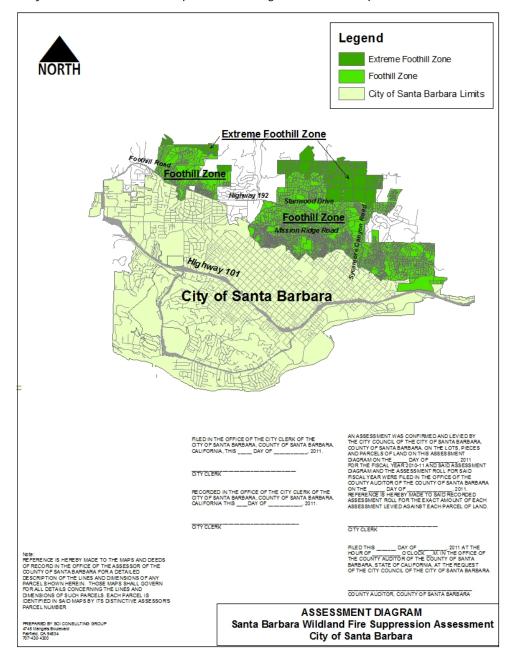
Dated: May 17, 2011

No. C052091

Exp. 12-31-12

John W. Bliss, License No. C052091

The Assessment District includes all properties within the boundaries of the Wildland Fire Services District. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Santa Barbara, for fiscal year 2011-12, and are incorporated herein by reference, and made a part of this Diagram and this Report.





## **APPENDICES**

## APPENDIX A – ASSESSMENT ROLL, FY 2011-12

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. There records shall govern for all details concerning the description of the lots of parcels.



### APPENDIX B - CALIFORNIA GOVERNMENT CODE SECTION 50078 ET. SEQ.

50078. Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article. The assessment may be made for the purpose of obtaining, furnishing, operating, and maintaining fire suppression equipment or apparatus or for the purpose of paying the salaries and benefits of firefighting personnel, or both, whether or not fire suppression services are actually used by or upon a parcel, improvement, or property.

#### 50078.1. As used in this article:

- (a) "Legislative body" means the board of directors, trustees, governors, or any other governing body of a local agency specified in subdivision (b).
- (b) "Local agency" means any city, county, or city and county, whether general law or chartered, or special district, including a county service area created pursuant to the County Service Area Law, Chapter 2.2 (commencing with Section 25210.1) of Part 2 of Division 2 of Title 3.
- (c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.
- 50078.2. (a) The ordinance or resolution shall establish uniform schedules and rates based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The risk classification may include, but need not be limited to, the amount of water required for fire suppression on that property, the structure size, type of construction, structure use, and other factors relating to potential fire and panic hazards and the costs of providing the fire suppression by the district to that property. The assessment shall be related to the benefits to the property assessed.
- (b) The benefit assessment levies on land devoted primarily to agricultural, timber, or livestock uses, and being used for the commercial production of agricultural, timber, or livestock products, shall be related to the relative risk to the land and its products. The amount of the assessment shall recognize normal husbandry practices that serve to mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression service provided. A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as

defined in Section 4102 of the Public Resources Code. This subdivision is not applicable to any benefit assessment levied prior to January 1, 1984, on land devoted primarily to agricultural, timber, or livestock uses.

50078.3. Any ordinance or resolution adopted by a local agency pursuant to this article establishing uniform schedules and rates for assessments for fire suppression services which substantially conforms with the model ordinance which the State Fire Marshal is authorized to adopt pursuant to Section 13111 of the Health and Safety Code shall be presumed to be in compliance with the requirements of Section 50078.2.

50078.4. The legislative body of the local agency shall cause to be prepared and filed with the clerk of the local agency a written report which shall contain all of the following:

- (a) A description of each lot or parcel of property proposed to be subject to the assessment.
- (b) The amount of the assessment for each lot or parcel for the initial fiscal year.
- (c) The maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year.
- (d) The duration of the assessment.
- (e) The basis of the assessment.
- (f) The schedule of the assessment.
- (g) A description specifying the requirements for protest and hearing procedures for the proposed assessment pursuant to Section 50078.6.
- 50078.5. (a) The legislative body may establish zones or areas of benefit within the local agency and may restrict the imposition of assessments to areas lying within one or more of the zones or areas of benefit established within the local agency.
- (b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit. The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used.



50078.6. The clerk of the local agency shall cause the notice, protest, and hearing procedures to comply with Section 53753. The mailed notice shall also contain the name and telephone number of the person designated by the legislative body to answer inquiries regarding the protest proceedings.

50078.13. The local agency shall pay the county for costs, if any, incurred by the county in conducting the election. An election called by a legislative body pursuant to this article is subject to all provisions of the Elections Code applicable to elections called by the local agency. The local agency may recover the costs of the election and any other costs of preparing and levying the assessment from the proceeds of the assessment.

50078.16. The legislative body may provide for the collection of the assessment in the same manner, and subject to the same penalties as, other fees, charges, and taxes fixed and collected by, or on behalf of the local agency. If the assessments are collected by the county, the county may deduct its reasonable costs incurred for that service before remittal of the balance to the local agency's treasury.

50078.17. Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceeding to validate, attack, review, set aside, void, or annul an ordinance or resolution levying an assessment or modifying or amending an existing ordinance or resolution. If an ordinance or resolution provides for an automatic adjustment in an assessment, and the automatic adjustment results in an increase in the amount of an assessment, any action or proceeding to attack, review, set aside, void, or annul the increase shall be commenced within 90 days of the effective date of the increase. Any appeal from a final judgment in the action or proceeding brought pursuant to this section shall be filed within 30 days after entry of the judgment.

50078.19. This article does not limit or prohibit the levy or collection of any other fee, charge, assessment, or tax for fire suppression services authorized by any other provisions of law.

50078.20. Any fire protection district may specifically allocate a portion of the revenue generated pursuant to this article to pay the interest and that portion of the principal as will become due on an annual basis on indebtedness incurred pursuant to Section 8589.13 of this code and Section 13906 of the Health and Safety Code.



### APPENDIX C - ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION

Proposition 218 was approved by voters as a Constitutional Amendment on November 6, 1996. It became Article XIIIC and Article XIIID of the California State Constitution and has imposed additional requirements for assessment districts. Following is a summary of the Article.

SEC.1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIIIC shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

### SEC. 2. Definitions. As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIIIC.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.



- (g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.
- (h) "Property-related service" means a public service having a direct relationship to property ownership.
- (i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."
- SEC. 3. Property Taxes, Assessments, Fees and Charges Limited.
  - (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except: (1) The ad valorem property tax imposed pursuant to Article XIII and Article XIIIA. (2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIIIA. (3) Assessments as provided by this article. (4) Fees or charges for property related services as provided by this article.
  - (b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.
- SEC. 4. Procedures and Requirements for All Assessments.
  - (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.
  - (b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

- (c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.
- (d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.
- (e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.
- (f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.
- (g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

#### SFC. 5. Effective Date.

Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section  $\Delta$ .

- (a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.
- (b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.
- (c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.
- (d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

- <sup>2</sup> Institute for Business & Home Safety, "Protect Your Home Against Wildfire Damage," <a href="http://www.ibhs.org/publications/view.asp?id=125">http://www.ibhs.org/publications/view.asp?id=125</a>
- <sup>3</sup> Institute for Business & Home Safety, "Is Your Home Protected from Wildfire Damage? A Homeowner's Guide to Retrofit," <a href="http://www.ibhs.org/publications/view.asp?id=130">http://www.ibhs.org/publications/view.asp?id=130</a>
- <sup>4</sup> U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.1, <a href="http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF">http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF</a>
- <sup>5</sup> U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.2, <a href="http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF">http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF</a>
- <sup>6</sup> Insurance Services Offices Inc., p. 1, http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20 Information.pdf
- <sup>7</sup> Renewable Natural Resources Foundation, "Workshop on National Parks Fire Policy: Goals, Perceptions, and Reality," Renewable Resources Journal, Volume 11, Number 1, Spring 1993, p. 6
- <sup>8</sup> Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 3
- <sup>9</sup> U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 1, http://ncrs.fs.fed.us/pubs/qtr/qtr\_nc261.pdf



<sup>&</sup>lt;sup>1</sup> Insurance Services Offices Inc. http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20 Information.pdf

<sup>10</sup> U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 25, <a href="http://ncrs.fs.fed.us/pubs/gtr/gtr\_nc261.pdf">http://ncrs.fs.fed.us/pubs/gtr/gtr\_nc261.pdf</a>

<sup>11</sup> Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 2

## RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENTION TO RENEW THE WILDLAND FIRE SUPPRESSION ASSESSMENT WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES: DECLARING THE WORK TO BE OF MORE THAN GENERAL OR ORDINARY BENEFIT AND DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF: PRELIMINARILY APPROVING THE UPDATED ENGINEER'S REPORT: STATING INTENTION TO CONTINUE ASSESSMENTS FOR FISCAL YEAR 2012; ESTABLISHING A TIME OF 2:00 P.M. ON TUESDAY, JUNE 7, 2011, IN THE CITY COUNCIL CHAMBERS FOR A PUBLIC HEARING ON THE WILDLAND FIRE SUPPRESSION ASSESSMENT; AND RESCINDING RESOLUTION NO. 11-025.

WHEREAS, the City of Santa Barbara is authorized, pursuant to the authority provided in California Government Code Section 50078 et seq. and Article XIIID of the California Constitution, to levy assessments for fire suppression services; and

WHEREAS, an assessment for fire suppression has been given the distinctive designation of the "Wildland Fire Suppression Assessment" ("Assessment"), and is primarily described as encompassing the Foothill and Extreme Foothill zones as defined in the Wildland Fire Plan of 2004; and

WHEREAS, the Assessment was authorized by an assessment ballot proceeding conducted in 2006 and approved by 51% of the weighted ballots returned by property owners, and such assessments were levied by the City of Santa Barbara City Council by Resolution No. 06-064 passed on July 11, 2006; and

WHEREAS, although the methodology by which the assessments are applied to properties in the District does not change from year to year, a new Engineer's Report is prepared each year in order to establish the CPI adjustment for that year; the new maximum authorized assessment rate for that year; the budget for that year; and the amount to be charged to each parcel in the District that year, subject to that year's assessment rate and any changes in the attributes of the properties in the District, including but not limited to use changes, parcel subdivisions, and/or parcel consolidations.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. SCI Consulting Group, the Engineer of Work, has prepared an engineer's report in accordance with Article XIIID of the California Constitution. The Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

SECTION 2. It is the intention of this Council to levy and collect assessments for the Wildland Fire Suppression Assessment for fiscal year 2011-12. Within the Assessment District, the proposed services to be funded by the assessments ("Services") are generally described as including but not limited to, the following: (1) continuation of the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones (continuing this program will reduce fuel, enhance evacuation routes, and decrease fire response times); (2) enhancing the defensible space fire prevention inspection and assistance program for all properties in the Foothill and Extreme Foothill Zones; and (3) implementation of a vegetation management program in the Foothill and Extreme Foothill Zones. As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road Clearance Standards within the high fire hazard area (as provided in Santa Barbara Municipal Code Section 8.04.020.M). "Defensible space" is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (as provided in Chapter 49, Section 4907 "Requirements For Wildland-Urban Interface Areas, Defensible Space" as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04.010). "Vegetation management" means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety.

SECTION 3. The estimated fiscal year 2011-12 cost of providing the Services is \$231,771. This cost results in a proposed assessment rate of SEVENTY TWO DOLLARS AND SIXTEEN CENTS (\$72.16) per single-family equivalent benefit unit in the Foothill Zone and EIGHTY NINE DOLLARS AND FORTY SIX CENTS (\$89.46) in the Extreme Foothill Zone for fiscal year 2011-12. The Assessments include a provision for an annual increase equal to the change in the Los

Angeles-Riverside-Orange County Area Consumer Price Index ("CPI), not to exceed 4% (four percent) per year without a further vote or balloting process. The total CPI adjustment for 2011-12 is 3.33% which is based upon 1.99% CPI deferred from previous years plus 1.34% CPI increase for 2011-12.

SECTION 4. The public hearing shall be held, before the City Council in the City of Santa Barbara City Council Chambers, located at 735 Anacapa Street, Santa Barbara, CA 93101 as follows: on Tuesday, June 7, 2011 at the hour of 2:00 p.m. for the purpose of this Council's determination whether the public interest, convenience and necessity require the Services and this Council's final action upon the Report and the assessments therein.

SECTION 5. The clerk of the council shall cause a notice of the hearing to be given by publishing a notice, at least ten (10) days prior to the date of the hearing above-specified, in a newspaper circulated in the City.

ORDINANCE NO	).		
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AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE MUNICIPAL CODE TO ESTABLISH REVISED REGULATIONS FOR THOSE STOREFRONT MEDICAL MARIJUANA DISPENSARIES PERMITTED UNDER CITY ORDINANCE NO. 5449 AS ADOPTED ON MARCH 25, 2008.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION ONE. Dispensaries Permitted Under City Ordinance No. 5449. Notwithstanding Section Two of City Ordinance No. 5526, as adopted on June 29, 2010 and Santa Barbara Municipal Code section 28.80.050, those dispensaries which are being operated in a manner consistent with state law and which were permitted by the City under City Ordinance No. 5449 (as adopted by the City Council on March 25, 2008) may, despite a non-conforming location, remain as a legal non-conforming use at such permitted locations for a period of four (4) years after the effective date of City Ordinance No. 5526 provided that:

- 1. the day-to-day operation of the non-conforming dispensary is consistent with dispensary operational requirements of Chapter 28.80, as such requirements were enacted by City Ordinance No. 5526, and;
- 2. the operation of the non-conforming dispensary is not discontinued for a period of time in excess of thirty (30) consecutive days.

**SECTION TWO.** Those provisions of Santa Barbara Municipal Code Chapter 28.80 not inconsistent with this ordinance shall remain in full force and effect with respect to the storefront dispensaries permitted by Santa Barbara Municipal Chapter 28.80 (as presently codified) by City Ordinance No. 5526.

Agenda	Item	No	

File Code No. 640.02



# CITY OF SANTA BARBARA

## **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Sign Ordinance Revisions

#### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020 and 22.70.030 of the Santa Barbara Municipal Code Relating to Sign Regulations.

### **DISCUSSION:**

## Background

Staff has proposed that the Santa Barbara Municipal Code (SBMC) Chapter 22.70 (Sign Regulations) be updated to address new sign technology, such as digital display signs, which are not defined in the current ordinance. On October 12 and November 9, 2010, the Ordinance Committee reviewed various proposed amendments to the City's Sign Regulations. On March 15, 2011, City Council introduced the majority of those revisions and subsequently adopted them on April 12, 2011. At the March 15, 2011 meeting, Council directed staff to return with a separate ordinance to allow certain digital display signs, integrated into gasoline pumps, as a new type of sign exempt from Sign Committee review.

## **Proposed Revisions**

In order to stay current with this new technology, staff proposed to add a definition of "digital display" sign to SBMC Chapter 22.70.

The general concern with digital display signs is that they may detract from the aesthetic quality of Santa Barbara and potentially conflict with the intent of the Sign Regulations in that signs "should serve primarily to identify an establishment, organization or enterprise," and, "as identification devices, signs must not subject the citizens of the City to excessive competition for their visual attention." In addition, digital displays that include audio may contribute to overall noise levels at the sign site and beyond, for example if they can be

Council Agenda Report Sign Ordinance Revisions May 24, 2011 Page 2

heard from the public sidewalk or within a vehicle stopped at an adjacent intersection. Digital display signs and similar video devices are currently prohibited by SBMC §22.70.030.C.6., as they move, flash, change, reflect, etc.

On March 15, 2011, the majority of Council determined that digital display signs should be permissible at gas stations. Gas stations would be exempt given the unique nature of this type of business, in that the product is sold outdoors, and given that the intent of this particular type of sign is not to draw people into the site, but rather to communicate with existing customers already on the property to purchase gas.

During the discussion on March 15<sup>th</sup>, some Councilmembers suggested that the specifications of the existing digital displays at gas stations be used to develop the ordinance standard. Pursuant to Council's direction, Staff is proposing ordinance language that reflects the current digital display installations at three gas stations in the City. As proposed, in order to be exempt from review by the Sign Committee, digital display signs must be integrated into the gasoline pump, be no more than 24" in size, and be located at least 25 feet from residentially-zoned property. Staff also proposes that the signs not exceed the luminance level of the current digital displays, which is 1200 nits.

Representatives of Pumpflix informed staff that a future generation of digital displays would be larger (26" screen size) and brighter (1500 nits) than the current installations. Given that the current installations did not generate complaints until very recently (when more than 15 complaints were received), staff is recommending that the regulations reflect the visual specifications of the current installations, rather than an unknown larger and brighter digital display. We have discussed the proposed standards with the Pumpflix representatives and expect they may request less restrictive standards to accommodate the next generation of displays.

The City Attorney's office has advised that, as a practical matter, making a distinction for digital signs based on their volume levels at a property line would not be an enforceable or appropriate distinction to attempt to draft into the Sign Ordinance. Therefore, the ordinance provides that the audio related to digital display signs be limited to 65 decibels, measured at the source, during the day and 55 decibels at night, and that a button be provided for each sign that would allow customers to mute the audio for the duration of their visit (estimated to be four minutes). Other than the required mute button, this standard is generally reflective of the current installations, as the sign operators currently reduce the audio level of the display in the evening hours.

Staff would like to note that it still has concerns with our ability to enforce any sign regulations that require specialized equipment to verify compliance, such as luminance or decibel level. From an enforcement standpoint, we believe that these signs should instead be regulated through screen size and location restrictions, such as those contained in the proposed regulations, and ideally the complete absence of audio, which would require amendment of the proposed regulations.

Council Agenda Report Sign Ordinance Revisions May 24, 2011 Page 3

## **BUDGET IMPACT:**

No significant expenditures are required to implement these revisions. Sign Ordinance clarifications will increase efficiencies in sign enforcement, which is helpful given recent reductions in Planning Division staffing levels dedicated to the enforcement program.

**PREPARED BY:** Renee Brooke, Zoning & Enforcement Supervisor

**SUBMITTED BY:** Paul Casey, Assistant City Administrator/ Community

**Development Director** 

**APPROVED BY:** City Administrator's Office

## COUNCIL INTRODUCTION DRAFT 5/24/11 SHOWING CHANGES FROM EXISTING CODE

ORDINANCE NO.	
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AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTIONS 22.70.020 AND 22.70.030 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

WHEREAS, the Community Development Department seeks to clarify the rules related to sign permit review in order to improve its ability to enforce the regulations in an efficient and consistent manner.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 22.70.020 and 22.70.030 of Chapter 22.70 "Sign Regulations" of Title 22 are amended to read as follows:

### 22.70.020 **Definitions.**

As used in this Chapter, the following terms and phrases shall have the indicated meanings:

- A. ACCESSORY SIGN. A separate unit displaying information related to the principal business conducted on the premises, which is not attached to or supported by any other sign, and not made a part thereof.
- B. ARCHITECTURAL FEATURE. Any window frame, recessed area, door, detail or other feature that is part of any building, or is a specific element of a recognized style of architecture.
- C. AWNING SIGN. Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

- D. BACK-LIT SIGN. Any internally illuminated sign with opaque, reverse pan channel, halo-lit letters and elements with concealed light sources in which the light projects away from the viewer.
- E. BALLOON. A lighter than air or inflated object no larger than eighteen (18) inches in any dimension.
- F. BANNER. A bunting or other flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face, or across any public street of the City. The banner may or may not include copy or other graphic symbols.
- G. BENCH SIGN. Any sign painted on or otherwise attached to a bench or other seat placed in an exterior area.
- H. BILLBOARD. A freestanding sign which exceeds the size limitations of a ground or wall sign. A billboard may be on-premises or off-premises.
- I. CIVIC EVENT SIGN. A sign, other than a commercial sign, posted to advertise or provide direction to a civic event sponsored by a public agency, the City, a school, church, civic-fraternal organization or similar non-commercial organization.
- J. COMMERCIAL, OFFICE OR INDUSTRIAL COMPLEX. A group of contiguous businesses which employs a homogeneous design theme as a common perimeter treatment.
- K. COMMERCIAL SIGN. Any sign which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered, and which is to be viewed from public streets or public parking areas.
  - L. DIGITAL DISPLAY. A sign that displays still images, scrolling images, or

moving images, including video or animation, through a series of grid lights, including cathode ray, light emitting diode display, liquid crystal display, plasma screen, fiber optic, or other electronic media or technology, where the display can be changed through electronic means. The definition of digital display does not include time and temperature signs or electronic signs placed in the right-of-way that function as traffic control devices.

<u>LM</u>. EAVE. That portion of the roofline extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of an eave, or the lowest horizontal line on any roof.

<u>MN</u>. ELECTION SIGN. A non-commercial sign pertaining to an election for public office or to a ballot measure to be placed before the voters in a federal, state or local election.

NO. ERECT. To build, construct, attach, hang, place, suspend, affix, fabricate (which shall also include painting of wall signs and window signs or other graphics), or project light in a manner that creates a projected light sign.

 $\Theta$ P. FACADE. The front of a building or structure facing a street.

PQ. FLAG. A piece of fabric of distinctive design (customarily rectangular) that is used as a symbol of a nation, state, city, agency, corporation or person or as a signaling device and is usually displayed hanging free from a staff or halyard to which it is attached by one edge.

**QR**. FRONTAGE. The width of any face of a building.

- 1. Dominant building frontage. The principal frontage of the building where its main entrance is located or which faces the street upon which its address is located.
  - 2. Subordinate building frontage. Any frontage other than the dominant

frontage.

- RS. GROUND SIGN. Any sign advertising goods manufactured, produced or sold or services rendered on the premises upon which the sign is placed, or identifying in any fashion the premises or any owner or occupant, and which is supported by one (1) or more uprights or braces on the ground, the overall total height of which does not exceed (i) six (6) feet above grade measured at the edge of the public right-of-way, or (ii) six feet above the base of the sign structure when the grade at the public right-of-way is at least three and one-half feet lower than the grade at the base of the sign, whichever is higher. In no case shall an artificial grade be established for the sole purpose of placing a sign at more than six (6) feet above the grade at the edge of the public right-of-way.
- <u>\$T</u>. HANGING SIGN. A sign attached to and located below any eave, roof, canopy, awning, or wall bracket.
- **TU**. ILLUMINATED SIGN. A physical sign that is illuminated internally or from an exterior light source. An illuminated sign is distinguished from a projected light sign by the fact that a projected light sign uses light to create the sign rather than using light to illuminate a sign of physical material.
- UV. INFLATABLE SIGNS. A lighter than air or inflated object tethered or otherwise attached to the ground, structure or other object. This definition includes, but is not limited to, inflated representations of blimps, products, cartoon characters, animals and the like. Balloons are a distinct subset of inflatable signs.
- ₩. KIOSK. A small, freestanding structure permanently affixed to the ground, requiring a building permit, which may have one or more surfaces used to display temporary advertising signs.

 $\underbrace{\mathbf{W}\underline{\mathbf{X}}}$ . LETTER HEIGHT. The height of a letter from its bottom to its top, including any shadow line.

**XY**. LIGHTING STANDARD. A device for providing artificial light on the sign surface.

¥Z. LOGO SIGN WITH COURTESY PANELS. Prefabricated signs bearing a brand name, registered trademark or logo with space for the name of a local business or occupant or other items of information to be applied thereto or erected thereon.

**ZAA**. MARQUEE. A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

AABB. MARQUEE SIGN. Any sign attached to a marquee.

**BBCC**. MOBILE SIGN. A sign on a boat or on a vehicle, other than on a public transit vehicle designed to carry at least 19 passengers, advertising a good, service, or entity other than that for which the boat or vehicle is principally used.

CCDD. MURAL. A painting or picture applied to and made part of a wall or window which may be pictorial or abstract, and is characteristically visually set off or separated from the background color or architectural environment.

DDEE. NON-COMMERCIAL SIGN. Any sign which is intended to convey a non-commercial message of social, political, educational, religious or charitable commentary.

**EEFF.** OFF-PREMISES SIGN. A commercial sign not located on the premises of the business or entity indicated or advertised by said sign, or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

**FFGG**. PARAPET. A low wall used to protect the edge of a roof from view, also called a parapet wall.

GGHH. PARAPET OR PERGOLA SIGN. Any sign or other graphic attached to a parapet, ramada, pergola, or other similar structure.

HHII. PENNANT. A small triangular or rectangular flag or multiples thereof, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures.

**HJJ**. PERGOLA. A structure usually consisting of parallel colonnades supporting an open roof of girders and cross-rafters, also known as an arbor, trellis or ramada.

JJKK. POLE SIGN. Any sign, other than a ground sign, supported by one (1) or more uprights or braces on the ground, the height of which is greater than a ground sign, and which is not part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

KKLL. PORTABLE SIGN. Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

**LLMM**. PROJECTED LIGHT SIGN. A projection of light onto a physical surface in a manner designed to communicate a message by creating a variable intensity of light on the physical surface in the form of letters, shapes, or symbols.

MMNN. PROJECTING SIGN. Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.

NNOO. ROOF. The cover of any building, including the eaves and similar projections. False roofs on store fronts, coverings on or over oriels, bay windows, canopies and horizontally projecting surfaces other than marquees shall be considered roofs.

OOPP. ROOF SIGN. Any sign any part of which is on or over any portion of any roof or eave of a building or structure and any sign which extends above a parapet of a building or structure.

PPQQ. SIGN. Any form of visual communication including any physical object, projection of light, digital display, or open flame (with or without lettering, a symbol, logo) used to announce, declare, demonstrate, display, or otherwise present a message to or attract the attention of the public. A sign may include a commercial or noncommercial sign. A sign includes all parts, portions, units and materials used in constructing the sign, together with the illumination, frame, background, structure, support and anchorage thereof. A mural is not a sign.

QQRR. TEMPORARY. A period of time not exceeding thirty (30) consecutive days, unless otherwise specified.

RRSS. VENDING MACHINE. A machine or other mechanical device or container that dispenses a product or service through a self-service method of payment, but not including an automatic bank teller machine incorporated within a wall or a façade of a building; a news rack; a machine dispensing fuel, compressed air, or water at an automobile service station; or a public telephone.

**SSTT**. WALL SIGN. Any sign affixed directly to or painted on or otherwise inscribed on an exterior wall or solid fence, the principal face of which is parallel to said

wall or fence and which projects from that surface no more than twelve (12) inches at all points.

TTUU. WINDOW SIGN. A sign that is attached to, affixed to, leaning against, or otherwise placed within six (6) feet of a window in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

### 22.70.030 Sign Regulations.

- A. PERMIT REQUIRED. It is unlawful for any person to erect, repair, alter, relocate or maintain any sign within the City, or to direct or authorize another person to do so, except pursuant to a sign permit obtained as provided in this Chapter unless the sign is specifically exempted from permit requirements by the provisions of this Chapter. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign unless the structure, design, color, or character is altered.
- B. EXEMPT SIGNS. The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, or area of signs allowed on a building or parcel:
- 1. Any official federal, state, or local government sign and notice issued by any court, person, or officer in performance of a public duty, or any sign erected or placed on park or beach property owned or controlled by the City and which (i) pertains to an event not exceeding five (5) days in duration and (ii) has been approved by the agency with authority over such property.

- 2. Any temporary sign warning of construction, excavation, or similar hazards so long as the hazard exists.
- 3. One temporary construction sign, provided the sign (i) does not exceed six (6) square feet in one- and two-family residence zones and does not exceed twenty-four (24) square feet in all other zones, (ii) is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent, and financing company, (iii) is displayed during construction only, (iv) does not exceed the height limitations of a ground sign, and (v) meets all other applicable restrictions of this Chapter.
- 4. Any temporary sign relating to Fiesta, Solstice, or any official City holiday except banners, blinking lights, or signs and any related lighting that require a building, electrical, or other permit. Any such decorations or displays and any related lighting must be removed within ten (10) days following the event for which they were erected.
- 5. A sign consisting of a display of no more than twelve (12) balloons for any single business or residence, displayed at a height which is not above the roof ridge line of the main building or fifteen (15) feet, whichever is lower.
- 6. A non-commercial sign not exceeding six (6) square feet total for each lot in residential zones and twenty-four (24) square feet total for each lot in non-residential zones. Such a sign shall be erected only with the permission of property owner or tenant. An election sign shall not be displayed for more than ninety (90) days prior to the election or for more than ten (10) days following the election for which it is erected.
  - 7. A temporary real estate sign which indicates that the property is for sale, rent,

or lease. Only one such sign is allowed on each street frontage of the property. A temporary real estate sign may be displayed only for such time as the lot or any portion of the lot is actively offered for sale, rent, or lease. Such a sign may be single-faced or double-faced and is limited to a maximum area on each face of four (4) square feet or less on property in residential zones and twelve (12) square feet or less on property in non-residential zones. Signs allowed pursuant to this exemption shall not exceed the height limitations of a ground sign (six feet (6')).

- 8. Any temporary sign located on a kiosk.
- 9. Any "No Trespassing" sign, prohibiting or restricting access to property, provided it is (i) not more than one (1) square foot in size, (ii) placed at each corner and each entrance to the property and (iii) at intervals of not less than fifty (50) feet or in compliance with the requirements of law.
  - 10. One identification sign of no more than one (1) square foot for a residence.
- 11. Any parking lot or other private traffic directional sign not to exceed two (2) square feet in area having black letters on a white or building color background, and limited to guidance of pedestrian or vehicular traffic within the premises. There shall be erected no more than three (3) such signs in each parking lot or more than one (1) sign per entrance.
- 12. Any informational commercial signs provided the sign (i) is in a non-residential zone, (ii) has an aggregate area (when combined with all other similar signs on the parcel) of not more than one-and-one-half (1½) square feet at each public entrance nor more than five (5) square feet total, (iii) indicates address, hours and days of operation, whether a business is open or closed, credit information, and emergency

address and telephone numbers. Lettering shall not exceed two (2) inches in height except for street numbers. Neon or light-emitting diode (LED) signs with the text "open" may be erected under this exemption subject to the following conditions: (i) no more than one (1) such sign may be erected per business, ii) the letter height of any such sign shall not exceed six (6) inches and the overall height of the sign shall not exceed twelve (12) inches, and (iii) such signs are not allowed in El Pueblo Viejo, unless the sign is located inside the building and at least ten (10) feet back from any window or other opening in the façade of the building.

- 13. Any street name and address stamped or painted on a sidewalk or curb.
- 14. Any civic event sign, except a banner. Such a sign shall be removed within twenty-four (24) hours after the time of the event, shall not exceed twenty-four (24) square feet in size and may be erected for a period not to exceed five (5) days out of any thirty (30) day period. Only one (1) such sign shall be erected per lot.
- 15. Temporary open house signs. Open house signs erected pursuant to this exemption shall contain only the address of the property where the open house is being held and the name of the real estate agent and/or real estate agency or party holding the open house. Open house signs may be single-faced or double-faced. Open house signs shall be erected and removed on the day the open house is held. Open house signs shall not be fastened or attached in any way to a building façade or architectural element.
- a. On-Site Open House Signs. Pursuant to this exemption, one (1) on-site open house sign may be erected on each street frontage of the property that is for sale. Each face of an on-site open house sign shall have an area of three (3) square feet or less and the height of the on-site open house sign, including the supporting structure, shall not

exceed four (4) feet.

- b. Off-Site Open House Signs. In addition to the on-site open house sign(s) allowed pursuant to this exemption, a maximum of five (5) off-site open house signs may be erected. Each face of an off-site open house sign shall have an area of three (3) square feet or less and the height of the off-site open house sign, including the supporting structure, shall not exceed three (3) feet. Off-site open house signs shall not be erected on private property without the permission of the property owner. In addition to complying with the requirements listed above applicable to off-site open house signs, off-site open house signs may be erected within the public right of way if such signs comply with all of the following standards:
- i. Signs shall not be erected in a manner which obstructs the pedestrian path of travel or which constitutes a hazard to pedestrians or vehicular traffic;
  - ii. Signs shall not be placed on vehicles;
  - iii. Signs shall not be placed in street medians; and
- iv. Decorative attachments (i.e., balloons, streamers, etc.) shall not be attached to any sign.
- 16. Any sign on a telephone booth or news rack, provided the sign (i) identifies only the product contained therein or displays operating instructions, and (ii) the lettering does not exceed two inches in height.
- 17. Flags flown on a temporary basis for purposes of honoring national or civic holidays which do not exceed eight (8) feet long in largest dimension. No more than two (2) flags may be flown pursuant to this exemption on a single parcel.
  - 18. The official flag of a government, governmental agency, public institution,

religion, corporation, business, or other similar entity. Only one (I) flag pole with a maximum height of twenty-five (25) feet and with a maximum dimension on the flag of eight (8) feet and which is not attached to the building shall be exempt. No more than two (2) flags may be flown pursuant to this exemption on a single parcel. Corporate or business flags displaying the emblem, name, logo, or other information of a business shall be included in the calculation of the maximum allowable sign area for the business.

19. Signs, except banners, announcing the opening of a new business which, in the aggregate, do not exceed ten (10) square feet in area or twenty-five percent (25%) of the window area, whichever is greater. Such signs shall be erected no more than thirty (30) days prior to the scheduled opening of the business and shall be removed no later than thirty (30) days after the opening of the business, but in no case shall such a sign be erected for more than forty-five (45) days within this period. The business owner or manager shall provide proof of opening date upon request.

20. Temporary window signs, except banners, not exceeding four (4) square feet or fifteen percent (15%) of the window area of each facade, whichever is greater. For windows which are more than twenty-five (25) feet from the public right-of-way, such signs shall not exceed twenty-five percent (25%) of such window area. No temporary window signs on a building or parcel shall be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year. Signs erected pursuant to this exemption shall not be illuminated. Unless specifically exempt pursuant to this subsection B, any illuminated sign erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots

available for public use shall require a permit.

- 21. Signs specifically required by federal, state, or City law, of the minimum size required.
- 22. Signs on the air operation side of the Santa Barbara Municipal Airport which are designed and oriented to provide information to aircraft.
- 23. A sign, such as a menu, which (i) shows prices of goods or services not on window display to the public, (ii) does not exceed twenty-four (24) inches by eighteen (18) inches, (iii) has letters and numbers not exceeding three-quarters (3/4) of an inch in height, and (iv) is located on a wall or in a window.
- 24. Signs on public transit vehicles designed to transport at least 19 passengers. No more than one sign may be displayed on each side of these vehicles, except as approved by the Sign Committee.
- 25. Temporary "Garage Sale" or other similar signs located only on the premises upon which the sale is occurring.
- 26. Digital displays on a gasoline pumps, provided the digital displays conform to all of the following standards:
- a. Each digital display shall not measure more than twenty-four (24) inches on the diagonal;
- b. Each digital display is integrated into the face of the gasoline pump and is not a stand-alone display;
- c. No more than one digital display is erected on each face of a gasoline pump.
  - d. The luminance of each digital display shall not exceed 1200 nits;

- e. Any audio associated with a digital display shall not exceed 65 dB, measured at the source, between the hours of 7:00 a.m. and 10:00 p.m., and 55 dB, measured at the source, between the hours of 10:00 p.m. and 7:00 a.m.;
- f. Each digital display incorporating audio shall include the ability for a customer to mute the audio for a minimum of four minutes at a time; and
- g. No digital display shall be installed within twenty-five (25) feet of any residentially zoned property.
- 27. Digital displays on automated teller machines (ATMs); provided, (i) the digital display only displays the name of financial institution that operates the ATM and the instructions for operating the ATM and (ii) the lettering does not exceed two inches in height.
- C. PROHIBITED SIGNS. In addition to any sign not conforming to the provisions of this Chapter, the following signs are prohibited:
- 1. Any sign which, by color, shape, working, or location, resembles or conflicts with any traffic control sign or device.
- 2. Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal, historical marker, or any other official traffic control device.
- 3. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress or egress from any door, window, or fire escape.
- 4. Signs erected on public or private property without the permission of the property owner.
  - 5. Signs visible from the public street or parking lot attached to or placed on

merchandise or materials stored or displayed outdoors except for parking lot sales of less than four (4) days in duration.

- 6. Signs that rotate, move, glare, flash, change, reflect, blink, or appear to do any of the foregoing, except time and temperature devices and digital displays otherwise exempted by this Chapter.
- 7. Off-premises signs, including billboards, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15 and digital displays erected in compliance with the standards specified in Section 22.70.030.B.26.
- 8. Any sign displaying obscene, indecent, or immoral matter as defined under California Penal Code.
  - 9. Signs on awnings or canopies except on the valance.
- 10. Signs that create a hazard by obstructing clear views of pedestrian and vehicular traffic.
  - 11. Portable signs.
  - 12. Mobile signs.
- 13. Any sign (generally known as a "snipe sign,") tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or the exterior of a building or other structure, where the information appearing thereon is not applicable to the present use of the premises upon which such sign is located. Whenever a sign is found so placed, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign.
  - 14. Bench signs.
  - 15. Banners, including any banner inside a building that is attached to, leaning

against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

- 16. Roof signs and any other graphics which extend, wholly or in part, above the eave line of the structure to which it is attached.
- 17. Any parapet or pergola sign placed above or partially above the parapet or pergola.
  - 18. Logo signs with courtesy panels.
  - 19. Pennants.
  - 20. Signs which cover or interrupt architectural features.
- 21. Signs containing changeable copy, except theater marquee signs, business directories, church and museum signs, gas price signs and restaurant interior menu boards.
- 22. Historical markers placed on the structure, tree or other historical monument itself, except as approved by the Historic Landmarks Commission.
  - 23. Pole signs.
  - 24. Exposed cabinet/raceways behind channel letters.
  - 25. Inflatable signs, except for balloon displays exempted by this Chapter.
- 26. Unless otherwise exempted by this Chapter, digital displays, including any digital display inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining

streets, walkways, malls or parking lots available for public use.

## D. GENERAL REQUIREMENTS.

- 1. No sign, other than a sign installed by a public agency, shall be allowed to be erected, installed, placed or maintained in or on any public property, including sidewalks and parkways, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15.
- 2. Churches, schools, and other public or semi-public facilities may have one (1) on-site sign not exceeding eighteen (18) square feet in any area, provided that, except for the name of the premises, the lettering shall not exceed three (3) inches in height, and such signs in residential zones shall not be internally illuminated.
- 3. Any sign which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and be subject to the corresponding standards.
- 4. Accessory signs will be considered only if they are designed in conjunction with or made an integral part of the signing existing on the subject building or project. Said signs shall not exceed twenty-five (25%) percent of the building's total signage.
- 5. A temporary window sign in excess of four (4) square feet, or fifteen percent (15%) of the window area of each facade, whichever is greater, requires a permit, unless the sign is otherwise exempt from the permit requirements of this chapter. For a window which is more than twenty-five (25) feet from the public right-of-way, such a sign shall not exceed twenty-five percent (25%) of the window area. Such signs shall not be displayed for more than thirty (30) consecutive days nor for more than a total of sixty

- (60) days per calendar year. Unless specifically exempted in subsection B above, all illuminated signs erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.
- 6. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy or language translation, shall be used in computing the area of a sign. Signing and illumination shall be on two opposing faces only.
  - 7. In order to calculate the size of a sign, the following provisions apply:
- a. If the sign is enclosed by a box or outline, the area of the sign includes that portion of the sign comprised of said box or outline.
- b. If the sign consists of individual letters attached directly to the building or wall, the size is calculated by drawing a rectangle around each line of copy.
- c. If the sign is a ground sign, the base or support structure shall be included in calculating the height of the sign.
- 8. If a building consists of two (2) or more above-ground stories, no sign shall be allowed more than five feet six inches (5'6") above the second floor line or in conformance with Subsection D.11 below, where applicable.
- Prior to issuance of a sign permit, a ground sign shall be approved by the traffic engineer to ensure that placement of the sign would not adversely affect traffic or pedestrian safety.
- 10. A non-temporary window sign shall be not larger than twenty-five percent(25%) of the window area of the facade on which it is displayed.

- 11. A wall sign may be attached flat against or pinned away from the wall. A wall sign placed in the space between windows on the same story shall not exceed more than two-thirds (2/3) of the height of the window, or major architectural details related thereto. A wall sign placed between windows on adjacent stories shall not exceed two-thirds (2/3) the height of the space between said windows.
- 12. A projecting or hanging sign must clear the nearest sidewalk by a minimum of seven (7) feet and may project no more than four (4) feet into the public right-of-way.

  Such a sign for a business in the second story of a building is allowed only if the business has a separate street or public parking lot entrance and may be placed at the entrance only.
- 13. A device displaying time or temperature is permitted in all zones except residential zones and designated historic districts, subject to the provisions herein regulating various types of signs. Such devices are limited to one (1) per block. Only a logo is allowed to appear on the same structure as such a device.
- 14. A kiosk is permitted in all non-residential zones, subject to approval by the Sign Committee and (i) the Historic Landmarks Commission if within El Pueblo Viejo Landmark District or another landmark district, or (ii) the Architectural Board of Review in other parts of the City.
- 15. A relocated sign shall be considered to be a new sign, unless the relocation is required by a public agency as a result of a public improvement, in which case approval shall be obtained only for the new location and base of the sign.
- 16. Except as otherwise stated in this Chapter, letter height shall be limited to a maximum of twelve (12) inches, except where it can be found that said letter size is

inconsistent with building size, architecture and setback from the public right-of-way.

- 17. A ground sign which exceeds six (6) square feet in area shall not be located within seventy-five (75) feet of any other ground sign.
- 18. All signs on parcels immediately adjacent to El Pueblo Viejo Landmark District are subject to El Pueblo Viejo regulations.

Agenda Item No.\_

File Code No. 140.05



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE**: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** Recreation Division, Parks and Recreation Department

**SUBJECT:** Interview And Appointment Of Youth Intern Applicant To Creeks

**Advisory Committee** 

#### **RECOMMENDATION:** That Council:

A. Interview applicant Annie Marroquin for the position of Youth Intern on the Creeks Advisory Committee; and

B. Appoint Annie Marroquin to the position of Youth Intern on the Creeks Advisory Committee.

#### DISCUSSION:

On February 7, 1995, the City Council adopted Resolution No. 95-025 that established a Youth Intern Program for Charter Boards and Commissions. The Resolution was established to expand the opportunities for City youth residents to participate in the City's governmental and advisory role process.

On June 6, 2000, Council adopted Resolution 00-044 rescinding Resolution No. 95-025, extending the Youth Intern Program to high school student volunteers who reside within the Santa Barbara High School District or attend other high schools within the City limits to learn first hand how public decisions are made, and how City departments function in providing public services while at the same time providing community service that may quality for academic credit. Since 1995, a Youth Intern has served on the Parks and Recreation Commission.

The application and appointment process requires that the applicant be interviewed by the Mayor prior to appearing before Council for appointment. Staff has received an application from and recommendation for Annie Marroquin, who is requesting to be appointed to the Creeks Advisory Committee. Ms. Marroquin has completed her interview with the Mayor.

Council Agenda Report Interview And Appointment Of Youth Intern Applicant To Creeks Advisory Committee May 24, 2011 Page 2

# **Annie Marroquin**

Annie Marroquin is a junior at Dos Pueblos High School with an energetic personality and willing spirit. She has a deep commitment to youth leadership and community service. Ms. Marroquin received a very positive recommendation from her school advisor, who stated that she was "mature beyond her years, dedicated, independent, hardworking, and a natural leader." Among the other attributes written about her, her school advisor stated that Annie has a strong ability to lead her peers and has established herself at Dos Pueblos High School as a respected leader and a positive role model. Annie stated in her application that she has a strong passion for the environment and hopes to major in environmental studies. She stated that she feels that "youth interns are essential for bringing a youth perspective and voice to the teen community." As such, she feels she could encourage her peers in creek education and environmental responsibility. She serves as the President of the Pathway Club; secretary to the Environmental Club; a member of the Humanitarian Club; and a class officer. Her off-campus activities include being a youth intern for the Green Business Santa Barbara Program, and a member of the Coalition of Youth Advocates and the Santa Barbara Youth Council. As part of the Environmental Club, she helped organize the school's first Earth Day fair and participated in the city-wide Earth Day event. She currently holds a 4.2 grade point average.

Other Commissions and Boards, such as the Parks and Recreation Commission, have expressed their appreciation for the youth internship program and the perspectives that the intern provides. Staff is confident that Annie Marroquin's experience on the Youth Council and her commitment to the environment and youth in the community will be a nice addition to the Creeks Advisory Committee. The Creeks Advisory Committee has expressed an interest in a youth intern.

**ATTACHMENT(S):** 1. Intern Application

2. Letter of Recommendation

PREPARED BY: Susan C. Young, Neighborhood and Outreach Services

Supervisor

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

# YOUTH INTERN APPLICATION FOR APPOINTMENT TO CITY ADVISORY GROUP

Parks & Recreation Department TEEN PROGRAMS DIVISION P. O. Box 1990 Santa Barbara, CA 93101 (805) 897-2650

ATTACHMENT 1

Name: Anna Wisa Marrogi	in	Grade:	Age:!(ø
Residence: 257 Pyrandum Dr.		City bouta	Zip: <u>93117</u>
Email Address: anniemwogn	in@yanov.com		
Parent/Guardian: VVIS MarvogM	n Pho	one Number: <u>(805) 30</u>	2-3262
Emergency Contact: MAYVA MAYV	rugum Pho	one Number: (805) 2	07-0950
High School: Dos Preword High	Rec	ommender: Silvinu	Vertira
I. Advisory Body/Commission Applied  1. CYLUS A WISOM Commission Applied  2  Are you able to provide the two-hour commission Applied	for (list them in order o	f preference)	
Are you able to provide the two-hour co	mmitment per month?	Yes No	
II. Are you active in any clubs on campus weres, couss officers, fundanita  III. Extracurricular activities (On & Off  SB Your Council, yourn			
IV. Reasons you believe you should be  Recommender's Signature  I have read Resolution No it in the conduct of my duties.  Applicant's Signature	of the Council of the Cit		appointed, will follo
			**********
Date Received:	Date distributed to	Mayor /Council offices:_	
	If appointed: Date	:Term	Expires:

# Reasons I believe I should be appointed:

- I know that I am organized and responsible teen
- I have a strong passion for the environment
- I wish to major in environmental studies and political science
- I believe that youth interns are rather essential for bringing a youth perspective and voice to the teen community
- I want to be open to new opportunities
- I see myself as a leader and see this as a new challenge
- I am optimistic
- I believe this a great start for preparation for my future
- I enjoy attending meetings and being informed



# Dos Pueblos High School

National Blue Ribbon School | California Distinguished School

March 14, 2010

I am truly delighted to write a letter of recommendation for Annie Marroquin in support of becoming a youth intern with the Creeks Advisory Committee of Santa Barbara. I first met Annie when she attended our showcase for incoming new students with both her parents. She was eager to begin her high school career at Dos Pueblos High School. I new right away that she had the confidence to carve a very bright future for herself, while establishing a distinct path as a role model for under-represented students. I am certain my words will be inadequate in expressing to you the level of respect I hold for this young lady. In the meetings we have had thus far, I have been struck by her maturity and her dedication behind her extracurricular activities. You don't meet a student like Annie every day.

As co-advisor to the Pathways Club, I have witnessed firsthand her ability to lead her peers. She is a strong, dynamic leader in her current position as president of the club. Annie is also very interested in the environment and is now the secretary of the environmental club. She is hopeful to be voted in as president of the club her senior year. She hopes to major in environmental studies at a prestigious college or university. Annie is an organized, enthusiastic, strong leader who provides the stability and optimistic maturity her peers seek from a true leader. She has established herself at Dos Pueblos as a respected leader as well as positive role model. She is always willing to join in, help out and volunteer on a regular basis at our school.

I believe that Annie is mature beyond her years, dedicated, independent, hard working, and a natural leader. She is extremely friendly, honest, and is of good moral character. I believe these qualities are essential for a youth intern and her interest in the environment will only serve as a asset to your committee. I hope you give her serious consideration.

Agenda Item No.

File Code No. 330.03



# CITY OF SANTA BARBARA

# **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Conference With Real Property Negotiators – 500 Ninos Drive

#### **RECOMMENDATION:**

That Council hold a closed session pursuant to the authority of Government Code §54956.8 to provide direction to the City Administrator and to the City Attorney regarding the possible City disposition of the real property known as 500 Ninos Drive.

**Property:** Santa Barbara Zoo - 500 Ninos Drive.

**City Negotiators:** Nancy Rapp, Parks and Recreation Director; Paul Casey, Assistant City Administrator; Scott Vincent, Assistant City Attorney.

**Negotiating Party:** Santa Barbara Zoological Foundation - Rich Block, Zoo CEO; Glenn Miller, Foundation Boardmember; and Greg Faulkner, Foundation Boardmember.

**Under Negotiation:** Terms of Lease.

**SCHEDULING:** Duration, 20 minutes; anytime

**REPORT:** None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

Agenda Item No.\_

File Code No. 330.03



# CITY OF SANTA BARBARA

# **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Conference With Real Property Negotiators – 423 W. Victoria Street

#### **RECOMMENDATION:**

That Council hold a closed session pursuant to the authority of Government Code §54956.8 to provide direction to the City Administrator and to the City Attorney regarding the possible City disposition of the real property known as 423 W. Victoria Street.

Property: Westside Community Center - 423 W. Victoria Street (Youth CineMedia).

**City Negotiators:** Nancy Rapp, Parks and Recreation Director; Scott Vincent, Assistant City Attorney.

Negotiating Party: Youth CineMedia - Osiris Castaneda, Co-Director; Regina Ruiz,

Co-Director.

**Under Negotiation:** Rent and terms of lease.

**SCHEDULING:** Duration: 20 minutes; anytime

**REPORT:** None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

Agenda Item No.\_\_

 $\mathsf{File}\ \mathsf{Code}\ \mathsf{No.}\quad 160.03$ 



# CITY OF SANTA BARBARA

# **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Conference With Legal Counsel - Anticipated Litigation

## **RECOMMENDATION:**

That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

**SCHEDULING:** Duration: 20 minutes; anytime

**REPORT:** None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

Agenda	Item	No	

File Code No. 440.05



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Conference With Labor Negotiator

#### **RECOMMENDATION:**

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General and Supervisory bargaining units and regarding discussions with unrepresented management about salaries and fringe benefits.

**SCHEDULING:** Duration, 30 minutes; anytime

**REPORT:** None anticipated

**PREPARED BY:** Kristy Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo López, Assistant City Administrator



# CITY OF SANTA BARBARA

## **COUNCIL AGENDA REPORT**

AGENDA DATE: May 24, 2011

**TO:** Mayor and Councilmembers

**FROM:** City Clerk's Office, Administrative Services Department

**SUBJECT:** Interviews For City Advisory Groups

**RECOMMENDATION:** That Council:

A. Hold interviews of applicants to various City Advisory Groups; and B. Continue interviews of applicants to June 7, and June 14, 2011.

#### DISCUSSION:

Interviews of applicants for various positions on City Advisory Groups are to be held on May 24, 2011, at 6:00 p.m. Applicants will also have the option to be interviewed on June 7, and June 14, 2011, at 4:00 p.m.

For the current vacancies, 30 individuals submitted 30 applications. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation in response to a set of questions specific to the group for which they are applying.

Appointments are scheduled to take place on June 28, 2011.

**ATTACHMENT:** List of Applicants

**PREPARED BY:** Cynthia M. Rodriguez, CMC, City Clerk Services Manager

SUBMITTED BY: Marcelo A. López, Assistant City Administrator/Administrative

Services Director

## **ACCESS ADVISORY COMMITTEE**

- One vacancy.
- Term expires 12/31/2011.
- Representative of the Disability Community who is a resident of the City or full-time employees of an entity doing business within the City, during term of office. Appointee shall demonstrate an interest, experience, and commitment to issues pertaining to disability and access and who represent the public at large.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Disability Community (1)	Mary Ellen Bangs			
	Robert Burnham			

# **BUILDING AND FIRE CODE BOARD OF APPEALS**

- One vacancy.
- Open Term
- Resident of the City or adjoining unincorporated areas of Santa Barbara County.
   Appointee shall demonstrate knowledge and expertise in specialty areas governed by the construction and fire codes of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Resident of the City or County (1)	None			

# **CENTRAL COAST COMMISSION FOR SENIOR CITIZENS**

- One vacancy.
- Term expires 6/30/2013.
- Resident of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Resident of the City (1)	None			

# **COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE**

- Two vacancies.
- One term expires 12/31/2013; and One term expires 12/31/2014.
- Residents or employees within the City but need not be qualified electors of the City. One representative from each:
  - Housing Interests

- Human Services Agencies
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Housing Interests (1)	None			
Human Services Agency (1)	None			

# **COMMUNITY EVENTS & FESTIVALS COMMITTEE**

- Two vacancies.
- Terms expire 12/31/2014.
- Residents of the City who represent the public at large (one of whom shall not represent any specific group).
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Public at Large (2)	Rebekah Altman	12/19/2006 (4 years)		
	Jacqueline Kronberg			

# **CREEKS ADVISORY COMMITTEE**

- Two vacancies.
- One term expires 12/31/2011; and One term expires 12/31/2014.
- Residents of the City or the County with experience in ocean use, business, environmental issues, and/or provide community at large representation.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Experience in ocean use,	Brandy Bartosh			City
business, or environmental issues, and/or represents the community at large (2)	Kirsten Castagnola			City
	Natasha Lohmus	6/30/2009 (2 years)		County
	Jeremy Lyter			City
	Stephen MacIntosh			City

# **DOWNTOWN PARKING COMMITTEE**

- Two vacancies.
- Terms expire 12/31/2013.
- Residents of the City or the County of Santa Barbara who demonstrates an interest and knowledge of downtown parking issues.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Residents of the City or	David Beardon			County
the County (2)	Ruth Anne Bowe			City
	Krista Fritzen			City
	William E. Pinner III			City

# **FIRE AND POLICE PENSION COMMISSION**

- Three vacancies.
- One term expires 12/31/2012 (Qualified Elector);
   One term expires 12/31/2013 (Active/Retired Police Officer); and
   One term expires12/31/2014 (Qualified Elector).
- One active or retired police officer who need not be a resident or qualified elector of the City; and Two qualified electors of the City who are not active firefighters or active police officers for the City of Santa Barbara and who may not hold any full-time paid office in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Active/Retired Police Officer (1)	None			
Qualified Electors (2)	None			

# HOUSING AUTHORITY COMMISSION

- One vacancy.
- Term expires 8/6/2015 (Appointment effective 8/7/2011).
- Resident of the City who represents the public at large.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Resident of the City who	Robert Burke			
represents the Public at Large (1)	Dale Fathe-Aazam			
	David K. Hughes	7/3/2007 (4 years)		

# LIVING WAGE ADVISORY COMMITTEE

- Two vacancies.
- One term expires 6/30/2013 (Living Wage Advocacy Organization Nominee);
   One term expires 6/30/2015 (Owner/Manager of a Service Contractor).
- One representative from each:
  - Local Living Wage Advocacy Organization Nominee
  - Owner/manager of a service contractor subject to the City's Living Wage Ordinance.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Local Living Wage Advocacy Organization Nominee (1)	Anna M. Kokotovic, PhD			
Owner/Manager of a Service Contractor subject to the City's Living Wage Ordinance (1)	Allen Williams	7/11/2006, and 7/3/2007 (5 years)		

# **MEASURE P COMMITTEE**

- Six vacancies.
- One term expires 12/31/2011;

Two terms expire 12/31/2012;

One term expires 12/31/2013; and

Two terms expire 12/31/2014.

• Two residents of the City; and

One representative each:

- Civil liberties advocate
- Criminal defense attorney
- Drug abuse, treatment & prevention counselor
- Medical Professional
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Civil Liberties Advocate (1)	None			
Criminal Defense Attorney (1)	None			
Drug abuse, treatment & prevention counselor (1)	None			
Medical Professional (1)	None			
Residents of the City (2)	None			

# PARKS AND RECREATION COMMISSION

- One vacancy.
- Term expires 12/31/2011.
- Qualified elector of the City or a resident of the City and a citizen of the United States who is 16 years of age or older.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Qualified Elector (1)	Desmond O'Neill			
	Charles Trentacosti			

## **RENTAL HOUSING MEDIATION TASK FORCE**

- Five vacancies.
- One term expires 12/31/2011 (Tenant);
   Two term expires 12/31/2012 (Homeowner/Landlord); and
   Two terms expire 12/31/2014 (Landlord/Tenant).
- One appointee must be a resident of the City, and four appointees may be residents of the City or the County.
  - One homeowner
  - Two landlords
  - Two tenants

Note: Non-resident members must be owners of residential rental property within the City limits or affiliated with organizations concerned with landlord-tenant issues within the City limits.

• Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Homeowner (1)	Leesa Beck			County
Landlords (2)	Chris Casebeer			City; Current Parks and Recreation Commissioner with term expiration date of 12/31/2013
	James B. Fox			County
Tenants (2)	David M. Brainard			City
	Parvaneh Givi			City
	Michael Petretta			County

# **SINGLE FAMILY DESIGN BOARD**

- Two vacancies.
- Terms expire 6/30/2015
- Residents of Santa Barbara County:
  - One licensed architect; and
  - One licensed landscape architect.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> )	Notes
Licensed Architect (1)	Roderick Britton			
	Kirk B. Gradin			
	Fred L. Sweeney			
	Barry Winick			
Licensed Landscape Architect (1)	None			